

Top

DEMOPHILOS,
OR THE
ASSERTOR
OF THE
Peoples Liberty.

4

P L A I N L Y

Demonstrating by the Principles even of
Nature it self, and by the Primitive Constitu-
tions of all Governments since the Creation
of the World.

That the very Essence and the Fundamental of all
Governments and Laws, was meerly the safety of
the People, and the Advancement of their
Rights and Liberties.

To which is added the General Consent of all
Parliaments in the Nation, and the Concurrence of
threescore and two Kings since first this Island was vi-
sible in earnest, and by Commerce with other Nations,
hath been refined from Ignorance and Neglect.

By William Prynn Esq. a Benchor of Lincolns-Inne.

L O N D O N,

Printed for Francis and John Stiles in the Old-Baily. 1658.

MEMORIALS

OF THE

ROYAL SOCIETY

02,104

To the unprejudiced Reader.

bootlesse, impolitick, and ridiculous for any publick or private State-Physicians, or Reformers, to spend their time and pains only to cure some small scratches, or cuts in the toes, or fingers; or breaches in the tyles or feeling of our State and Laws, (as some Mountebancks, and Pseudo-politicians now do) and in the mean time to over-passe, neglect, if not increase, dilate the large deadly wounds, in the very Head, Heart, Vital Parts; and most dangerous Breaches, Underminings in their very Foundations, which threaten present death, and suddain Ruine to the whole Body of our State, Laws, Nation, if not speedily bealed, repaired with all possible care and diligence, by the most skilfull Artists and Philopaters, sufficiently qualified, for such a desperate difficult publick cure, Repair, and with sincere self-denying publick spiritus, courageously addressing themselves with all their skill, might, to this necessary Heroick work. And withall observing, that there can be no health, ease, rest, quiet, but perpetual pain, languishing, consumption, torture, decay in the Body politick of our Nation; as in the Body natural, so long as there is any dislocation, fraision, convulsion, wound, malady in the Bones, Nerves, Arteries, or chief Parts and members thereof. And, then remembring that serious Protestation, and Solemn League and Covenant, which I my self, all members of the late Parliament, most Persons in late power, and the generality of all the well-affected people, to publick Laws, Liberty, Justice, Religion, in our three Kingdomes, not long since took in the presence of the most High God, Angels, and Men with hands lifted up

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up to Heaven, and then subscribed with those bands; That they shall with sincerity, reality, and constancy, in their several Vocations, endeavour with their Estates and lives, mutually to preserve the Rights, Privileges, Laws and Liberties of the Parliaments and Kingdoms of England, Scotland, and Ireland, &c. And in this common cause of Liberty and peace of the Kingdoms, assist, and defend all those that enter into this League and Covenant, in the maintaining and pursuing thereof; and not suffer themselves directly or indirectly, by whatsoever combination, perswasion, or terror to be divided or withdrawn from this blessed union, &c. but shall all the daies of their lives, zealously, and constantly continue therein against all opposition, and promote the same according to their power, &c. (*which Solemn League and Covenant I find subscribed in* * print, *by* VVilliam * *At the end of the solemn League and Covenant, printed by both Houses orders by it self, and sent into all counties; and in A collection of Ordinances, p. 426, 427, 128.* Lenthal Speaker, Robert Nicholas, Gilbert Pickering, Oliver Cromwell, Philip L. Lisle, VVilliam Ellis, Oliver Saint-John, Miles Corbet, John Lisle, Francis Rous, Nathaniel Fyennes, Edmund Prideaux, John Glynn, Bulstrode VVhitelocke, Edward Montagu, and others in greatest present power and employments, whom I desire now to remember, and perform the same effectually, as they shall answer the contrary at that great day, when the secrets of all hearts shall be disclosed, according to those their printed subscriptions thereof, for all the good ends therein prescribed.) 1

To the unprejudiced Reader.

whereupon apprehended I could not perform a more
seasonable, acceptable, or beneficial service to my na-
tive Country in pursuance of the Protestation,
and solemn League and Covenant, (lying still
as sacred Bonds upon my conscience,) than to draw up
this summary Collection of the principal funda-
mental hereditary Rights, Liberties, Proper-
ties of all English Freemen, both in relation to
their Persons; Estates, and free-Elections
(most mortally wounded, more dangerously
under-mined, shaken, subverted by force and
fraud of late years, since our Parliamentary and
Military contests for their defence, to the vast
effusion of our Treasures and Blood, (by some who
were most deeply engaged in their Protection and preser-
vation) than in the very worst of former ages, under our
late or ancient Kings, in every particular branch;) And of these several memorable Votes, Resolu-
tions, Declarations, and Acts of Parliament,
for their Vindication and Corroboration, in
the happy Parliament of 3 Carols; (remembered
and ratified likewise, in the last Parliament of
King Charles 1) as the most sovereign Balm, the
most effectual materials prepared, applied by the
learnedest, skilfullest, wisest State-Physicians and
Builders in those Parliaments, to heal and close
up the mortal wounds, the perilous Breaches, our
late Kings * Jesuitical, arbitrary, tyrannical,
ill-counsellors, and other Viperous self-seeking
projectors had formerly made in them, to the im-
powering, oppressing, enslaving of the
People, and endangering the utter subversion both
of our Fundamental Laws, Liberties, Proper-
ties,

* See the Com-
mons Remon-
strance 15 De-
cemb. 1641.
Exact Collec-
tion p. 4, 5, &c.

To the unprejudiced Reader.

ties, Government, Parliaments, Kingdomes, Religion; *now in a more desperate deplorable condition than ever, unless speedily revived; by the fresh application of these healing Cordials, reunited, repaired, supported with these cementing Ingredients by some expert, active Chirurgeons, and Master-builders, to whom I humbly recommend them; as a brief Corollary to the first and second part of my seasonable, legal and Historical Vindication and Collection of the good old fundamental Liberties, Franchises, Rights, Laws of all English Freemen; till God shall enable me to compleat the remaining parts thereof, in their Chronological series of time; the best Legacy I can leave behind me to my Native Country, and the whole English Nation, whose real Liberty, VVeal, Tranquillity, Prosperity, (next to Gods glory and the safety of our endangered Church and Religion) hath been the sole scope, end, of this, and all other his publications; who, though ingratfully, despitefully requited for most of them, would repute it his greatest infelicity to be enforced (or bear other Cordial State-Physicians compelled) now at last to say of England, as Gods people once did of Babylon, Jer. 51. 8. 9. 10. Babylon is suddenly fallen and destroyed, howle for her, take balm for her pain; If so be she may be healed. VVe would have healed Babylon, but she is not healed; forsake her, and let us go every one into his own Country; for her judgment reacheth unto Hea-*

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ven; and is lifted up even to the Skies. Yet the Lord hath brought forth our righteousness: as be hath (maugre all Enemies, Oppositions, Slanders) the righteousness of him, who desires thy kind acceptation of this Breviary, and prayers for Gods blessing upon this, and all other his real endeavours for sick, & desperately-wounded Englands cure;

Swainswick Septemb. 6.

1656.

William Pynne,

A
Convent for her instruction teacheth unto Her
her, and let us go every one into his own
of action; but she is not healed; forlake
she may be healed. We would have heal-
for her, take pain for her pain; If to be
is infinitely fallen and delivoyed, howe
of Babylon. Jer. 21. 8. 10. Babylon
is the City of England; in Gods people our sin
is his greatest sin; in the Church (as we say)
is the most of sin; in the Church (as we say)
is the most of sin; in the Church (as we say)



A Summary Collection of the principal fundamental Rights, Liberties, Properties of all English-Freemen, &c.

THe Liberty of the Subjects Persons having in the three first years of our late King Charles his Reign been very much invaded, endangered, undermined, 1. By *Imprisonment of their Persons*, by the Lords of the Council, without any special Legal cause assigned in the Warrants for their commitment, but only the Kings command; 1. By *honorable banishments* upon pretence of forein employments; 3. By confinements to particular places; 4. By *remanding* and not bayling them by the Judges upon *Habeas Corpora* sued forth by them; 5. By *Commissions* for Trials of *Souldiers* and others for their lives, by *Martial Law*, in times of peace, when other Courts of Justice were open; and the like. The properties of their Goods and Estates being likewise much encroached upon, and in a great measure subverted, 1. By forced Loans and contributions. 2. By *Licutenants* and *Deputy-Licutenants* exorbitant Powers, and new rates, taxes, imposed on, and forced from them, without grant in Parliament, for billeting Souldiers, and quartering Souldiers in mens Houses

against their wills till they paid those rates. 3. By *extorting Tunnage, Poundage, New customs, and impositions without special grants and act of Parliament*. 4. By an intended *Commission of Excise*, (never put in execution) and other particulars of like nature. And the Liberty of their *Free-elections*, much impeached by Lieutenants, and others *Letters, menaces, summoning of trained Bands to elections, and the like indirect courses*. Whereupon the Parliament begun on Monday, 17 Martii, 3 Caroli, in the year of our Lord 1627, to vindicate these their infringed Liberties, properties, freedoms, and preserve them from future violations of this nature; after many learned Arguments by Sir Edward Cook, Mr. Noy, Mr. Selden, Mr. Littleton, Mr. Masen, Mr. Creswel, Mr. Sherwile, Mr. Sberland, Mr. Bancks, Mr. Rolfe, Mr. Ball, with other Lawyers, and able Members of the Commons House, passed their unanimous Vote against them, *Nemine contradicente*; fit now to be revived, re-established, after more dangerous avowed publick Violations of our hereditary Fundamental Liberties, Properties, by the greatest pretended Military and civil Champions for, and Patrons, Assertors and Protectors of them, than any in former ages, as the probablest means under God then, and

(a) 2 April
1628.

* See the great
Charter of
King John.
Mat. Paris

p. 248. Magna
Charta. 9 H. 3.
c. 19. 5 E. 3. c. 9.
25 E. 3. c. 4. 28

E. 3. c. 3. 37 E.

26. 18. 4. 2 E. 3.

c. 3. 2 H. 4. vol.

Parl. 2. 60. 69.

The Petition of
right. 3 Caroli.

now to cure the mortal distempers, and repair the sad divisions, breaches, desolation of our Land, (a) Resolved upon the Question.

1. That *no Freeman ought to be committed, detained in Prison, or otherwise restrained by command of the King, or privy Council, or any other, unless some cause of the commitment, restraint or detainer be expressed, for which by Law he ought to be committed, detained, E. 3. c. 3. 37 E.

2. That a Writ of Habeas Corpus, may not be denied, but ought to be granted to every man, that is committed, or detained in Prison, or otherwise restrained;

grained, although it be by command of the King or
Privy Councill, or any other, be praying the
same.

3. That if a Freeman be committed or detained in Prison, or otherwise restrained by command of the King or Privy Council, or any other, no cause of such commitment, detainer or restraint being expressed forthwith, for which by Law he ought to be committed, restrained or detained, and the same being returned upon an Habeas Corpus granted for the same party, that then he ought to be delivered or bayled.

4. (b) That no Freeman ought to be confined to his House, or any other place, by any command of the King or Privy Council, or any other, unless it be by a Warrant of Parliament, or by other due course, or Warrant of Law.

5. (c) That the Commission for martial Law, and all other of such nature, to be executed within the Land at such times as were appointed by this Commission, (then questioned, to wit in times of peace, when the Kings Courts of Law were open, and other Legal trials might be had by Juries in Courts of Justice) are against the Law.

6. That ^{the} billeting and placing of Souldiers or any other person in the House of any Freeman, against his Will, is against the Law.

7. (d) That it is the * ancient and undoubted Right
of every Freeman, that he hath a full and absolute pro-
priety in his goods, and Estate; And, that no taxes,
Tallages, loan, benevolence, or other charge ought to be
commanded, imposed, or levied by the King or his Mi-
nisters, without common consent by Act of Parlia-
ment.

All which *Votes* were drawn up, and inserted into *concedendo, c. 1.*
14 E. 3. Stat. 1. c.

* See rot. Pav.
 17 Iohannis
 22, 23, 24.
 dorf. Mat. Pa-
 vis p. 243 to
 255. 305 to
 312. 838, 839.
 878. 890. 892.
 938. 940, 941.
 960.
 & 25 E. 1. c. 1.
 & c. 28 E. 1. c. 1.
 & Claus. 28 E.
 1. m. 75 B.

the *Petition of Right*, assented to by the Lords, and at last by the King himself in his Answer to that petition, as the ancient Fundamental Rights and Liberties of all English Freemen. And therefore after all our late Parliamentary and Military contests, wars for their defence; fit to be confirmed, ratified by all sorts of Domestick waies and policies, by which the great Charter was * antiently confirmed, and all violations of them exemplarily punished, without any further argument or debate, being indisputable principles and foundations, whereon all our Liberties, Properties, as English Freemen, are bottomed. To which end I would advise that all Civil and Military Officers whatsoever, as well Supreme as subordinate; all Members of Parliament, Baristers, Attornies, Graduates in our Universities, Stewards of Leets and Courts-Barons throughout our Dominions, should from time to time, upon, and at their investitures into their several Offices, Trusts, or taking their Degrees; be corporally sworn, To defend and maintain the Great Charter of England, the *Petition of Right*, and other Fundamental Lawes of this Land; together with the ancient undoubted Rights and Liberties of our English Parliaments, (according to their late Protestation, and Solemn League and Covenant) And that all Justices of Assize, Judges, and Justices of the Peace, should specially be sworn at every Assizes and Sessions of the Peace in their respective Circuits, Counties, Corporations; and the Justices of the Kings Bench every Term, amongst other Articles to the Grand Jury, to give them in charge upon their Oaths, diligently to inquire of and present all Offences, Exactions, Oppressions, Taxes, Imposts and Grievances whatsoever, against the Great Charter, the *Petition of Right*, and other Good Lawes for the preservation of the Liberty, Right, and Property of the Subject, by any person or persons; to the end, that they may be exemplarily punished according to Law, by Fines, Imprisonments or otherwise, as the quantity

quantity and quality of the Offences deserve: It being the * Advice, Desire, Proposition, and Petition of the * *Exact. Collect.* whole Commons house first, and after of the Lords and *p. 20, 21, 309.* Commons house jointly to King Charles in his last Parliament; to which he readily assented: though never since put into actual execution; which is now most necessary to be effectually accomplished for the future, having been so long neglected.

After these Votes, and the Petition of Right passed, several Impositions upon Wines, Currans, Tobacco, Beer, and the taking of Tonnage and Poundage without Act of Parliament, being complained of, it was by special Votes and Declarations of the Commons House, resolved and declared in the same Parliament.

8: (e) That the receiving of Tunnage and Poundage, and other Impositions not granted by Parliament, *1628.* is a breach of the fundamental Liberties of this Kingdom; and contrary to his Majesties Regal answer ** Mag. Charta, 9 H. 3. c. 20. 25* to the Petition of Right: And those declared Public Enemies, who should thenceforth collect, or pay any Customs, Tunnage, Poundage or Imposts, not granted by *E. 1. c. 1. 6. 34* Act of Parliament, which was since enacted and declared for Law in the (f) two first Acts for Tunnage and *E. 1. c. 1. 2. 14* Poundage, in the last Parliament of King Charles; and *E. 3. stat. 1. c. 2. 1* all those in a Premunire, and disabled to sue in any *stat. 2. c. 1. 35 E.* Court of Justice, who shall presume to levy the same *3. stat. 2. c. 1. 15* without Act of Parliament. The case of all Customers, *E. 3. stat. 3. c. 5.* Excisemen and their Instruments, at this present, fit *1 R. 2. c. 2. 21* to be made presidents in this kind for the terror of *E. 3. rot. Parl. n. 16. 36 E. 3. rot. Parl. n. 26. Exact. Coll. p. 382, 383, 884, 857, 858.* others, *(f) Exact Collection, p. 789, 790, &c.*

9. A Commission from the King under the Great Seal of England, directed to 33 Lords and privy Counsellors, dated the last of Febr. 3 Caroli, stiled, (g) a (g) 11, 15, Commission of Excise, was complained of and brought into the Commons House, and there read, which commanded them to raise monies by Impositions or otherwise, as they in their Wisdoms should find convenient, for the

the safety and defence of the King, Kingdom and People; the Kings Protestant Friends and Allies; which without hazard of all could admit no delay, the necessity being to inevitable, that form and circumstances must rather be dispensed with, than substance lost. Injoining the Commissioners to be diligent in the service, as they tendered the safety of his Majesty, and of his People, Dominions and Allies. This Commission of Excise by the unanimous Vote and judgement of the Lords and Commons, was resolved to be against Law, and contrary to the Petition of Right. And thereupon was cancelled (as such) in his Majesties presence, by his own command, and was brought cancelled to the Lords House by the Lord Keeper, and by them afterwards sent to the Commons: and the Warrant with all Jarollments of it were cancelled: and ordered by the Commons, that the Projector of it should be found out and punished. Which judgement (b) was thrice recited, confirmed, and insisted on by the Lords and Commons, (and some in greatest present power) the last Parliament of King Charles in printed Speeches and Declarations. And if this intended Commission of Excise, though never executed, was thus frequently damned as an intollerable and monstrous Grievance against our Laws, Properties, and the Petition of Right, How much more are all present Orders, Commissions, Warrants for the actual imposing and levying all sorts of Excises on such, without any act of Parliament?

(b) *Excise Collection* p. 885. 6. Mr. O. St. Johns speech and Declaration concerning receiving ship-mony p. 13. 15. 16. 19. See my Declaration and Protestation against the intolerable extortion of Excise.

X. The Commons House in that Parliament, upon solemn Argument and Debate, concluded; *That by the Laws of this Realm, none of his Majesties Subjects ought to be impressed or compelled to goe forth of his County to serve as a Souldier in the Wars, * except in case of necessity of the sudden coming in of strange Enemies into the Kingdom; or except they be otherwaist bound by the Tenures of their Lands or possessions; Nor yet sent out of the Realm against his Will upon any forcible employ.*

* 1 R. 3. Stat. 2. c. 5. 4 H. 4. c. 13. 25 E. 3. c. 2. *Excise Collection* p. 277. 175. 179. 880.

employment, by way of an honorable banishment. Which Resolution in the last Parliament of King Charles was enacted and declared to be the Law of the Land, and fundamental Liberty of the Subject, by the (i) Act for (i) Exact Col-
impressing Souldiers for Ireland; by two Declarations (cton, p. 389,
of the Lords and Commons against the Commission of 390, &c. 435,
array; and assented to by the King in his answer there- 436, 877, 878,
unto. 879, &c. 887.

All which unanimous Votes, Resolutions of both Houses, having been successively ratified in two several Parliaments in King Charles his Reign (where- of some in present Power were Members,) and enacted by several Statutes, assented to by King Charles himself; it must needs be the extremity of Impudency, Tyranny, Treachery, Impiety, Perjury, Barbarism, for any who have formerly contested with him in our Parliaments, or in the open field, for all or any of these premised Fundamental Rights and Liberties of all English Freemen; and who vowed, protested, covenanted, remonstrated again and again before God and all the World, inviolably, faithfully, constantly to defend them with their Lives and Fortunes all their daies, in their several places and callings; and who beheaded him as the Greatest Tyrant (together with Strafford and Canterbury) for infringing them; to oppose, contradict, violate or infringe them all in a more transcendent publike manner, than he or his worst Ministers formerly have done; and now nor really, chearfully to corroborate, defend, transmit them to posterity in full vigor, by all good wayes and corroborations that possibly can be devised, without the least opposition and dispute, to make the Nation free, and their own posterity together with it.

XI. After the *Petition of Right* had passed the Com- 19, 22, 23, 24;
mons House, and was transmitted to the Lords; the 26, 27, 28 May
House of Lords desired, that this Clause might be ad- 1618.
ded

ded to the close thereof. "We humbly present this
 "Petition to your Majesty, not only with a Care of
 "Preservation of our own Liberties, but with a due re-
 "gard to leave intire that Sovereign Power wherewith
 "your Majesty is trusted, for the Protection,
 "Safety, and Happinesse of your People. The Com-
 "mons after a long and full Debate, resolved, "That
 "this Saving ought to be rejected, and by no means to
 "be added to this Petition; though very Specious in
 "shew and words; for that it would be destructive
 "to the whole Petition; and would leave the Subjects
 "in farre worse condition than it found them. For
 "whereas the Petition recites, "That by the Great
 "Charter and other Laws and Statutes of this Land,
 "No Loan, Tax, Tallage or other Charge ought to be
 "imposed on the Subjects, or levied, without common
 "consent by Act of Parliament, Nor any Freeman of
 "this Realm imprisoned without cause shewed, Nor
 "any compelled to receive Souldiers or Mariners into
 "their Houses against their wills, Nor any man ad-
 "judged to death by Martial Law, in times of Peace,
 "but only by the lawful trial of his Peers, according to
 "the established Lawes and Custom of the Realm;
 "This addition would make the Sense and Constructi-
 "on thereof to be, "That the King by his Ordinary
 "power and Prerogative could impose no Loan, Tax,
 "Tallage, or other things upon his Subjects without
 "their common consent by Act of Parliament; Nor
 "imprison any Freeman, without cause shewed; Nor
 "billet any Souldiers or Mariners in mens Houses a-
 "gainst their wills; Nor condemn nor execute any
 "Subject by Martial Law: But yet by his Sovereign
 "power, wherewith he is intrusted for the Protection,
 "Safety, and Happinesse of his people, here left intire-
 "ly to him, he may when he saw cause and necessity
 "impose what Loans, Taxes, Impositions and Char-
 "ges he pleased on his people, without common con-
 sent

“sent and Act of Parliament, imprison them without
“cause shewed, quarter Mariners and Souldiers in
“their houses against their wills; and condemn, exe-
“cute them by Martial Law, upon this pretext, that it
“was for the Protection, Safety and Happinesse of his
“people in general; All which himself and his Coun-
“cil, not the Judges and our Laws, must determine.
“And so this Addition, if admitted, would quite over-
“turn the Petition it self, the Great Charter, and all
“other Acts recited in it: and give an intimation to
“Posterity, as if it were the opinion of the Lords and
“Commons in this Parliament, that there is a trust
“reposed in the King upon some emergent cases and
“necessities, to lay aside as well the Common Law,
“as the Great Charter and other Statutes, which de-
“clare and ratifie the Subjects Liberty and Property,
“by his Sovereign power. And so by consequence to
“enable him to alter the whole frame and fabrick of
“the Commonwealth, and dissolve that Government
“whereby this Kingdom hath flourished for so many
“years under his Majesties most royal Predecessors.
“Whereas in truth there is in the King no Sovereign
“Power or Prerogative royal to enable him to dispute
“with, or take from his Subjects that Birthright and
“Inheritance which they have in their Liberties by
“virtue of the Common Law, and these Statutes,
“which are meerly positive and declarative; confer-
“ring or confirming ipso facto an inherent Right and
“Interest of Liberty and Freedom in the Subjects
“of this Realm, as a Birthright and Inheritance
“descended to them from their Ancestors, and de-
“scendible to their Heirs and Posterity. But the So-
“vereign power wherewith he is intrusted, is only for
“the protection, safety and happinesse of his people,
“in preserving this their inherent Birthright and In-
“heritance of Liberty and Freedom, and those Lawes
“and Statutes which ratifie and declare them. Upon these

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* *Exam Coll.*
p. 885.

these and other reasons alleged by the Commons, the Lords after three large *Conferences* agreed fully with the Commons, and rejected this destructive *Addition* to the *Petition of Right*; which the Lords and Commons in their * *Declaration touching the Commission of Array*, January 16. 1642. (to which many now in power were parties) recite, insist on and corroborate in Parliament, as an undoubted truth. If then the King by his absolute Sovereign power wherewith he was intrusted, could upon no emergent occasion or necessity whatsoever, violate, elude, evade, subvert all or any of these fundamental Laws, Liberties, Rights, and Inheritances of the Subject, by the joynt unanimous resolution of the Lords and Commons in these two Parliaments of King Charles; much lesse then may any other Person or Persons, or new Powers do it, who condemned him for a Tyrant, and suppressed Kingship as tyrannical, over-burdenfome, dangerous to the peoples Liberties, Safety, Prosperity, upon any real or pretended Necessity or Emergency whatsoever. Much lesse may any true English Parliament permit or enable them upon any pretence to do it in the least degree, to the prejudice of Posterity after so many publick Parliamentary and Military conflicts for these Laws and Liberties. Therather, because that our Noble Ancestors would admit no Saving or Addition to the Great Charter, or any Statutes for its confirmation, that might any wayes impeach their Liberties, Rights, or Properties: And when King Edward the 1. in the 28 year of his reign upon the *Petition of the Lords and Commons*, granted a New Confirmation of their Charters, and in the * *close* thereof added this Clause, *Salvo jure Coronæ Regis: That the right and prerogative of his Crown should be saved to him in all things*; (Which the Lords most insisted on, to justify the forementioned rejected Addition to the *Petition of Right*) when it came to be proclaimed in London, the people bearing

* *Articuli Super*
Chartas, cap.
20.

hearing this Clause at the end thereof, added by the King; fell into execration for that Addition, and the great Earls, who went away satisfied out of Parliament, hearing thereof, went to the King and complained thereof, who promised to redress it (as Mr. Selden then informed the Commons house, out of a *Leiger Book* of that year, in the publike Library of the University of Cambridge: Whereupon in the Statute *De Tallagio non concedendo*, 34 E. 1. the King to please his discontented Lords and Commons, not only granted, That no Tallage or Ayd should be taken or levied by us or our heirs in our Realm, without the good will and assent of the Archbishop, Bishops, Earls, Barons, Knights, Burgeses, and other Freemen of the Land, c. 1. But likewise added, c. 4. We Will and grant for us and our Heirs, That all Clerks and Lay-men of our Land, shall have their Laws, Liberties, and Free Customes, as they have used to have the same at any time, when they had them best. And if any Statutes have been made by us or our Ancestors, or any Customs brought in contrary to them, we will and grant, That such manner of Statutes and Customs shall be void and frustrate for evermore: Yea, King Edward the 3. in pursuance thereof, in the Parliament of 42 E. 3. c. 1. assented and accorded, That the Great Charter and Charter of the Forest, be holden and kept in all points: And if any Statute be made to the contrary, that shall be holden for none. And c. 3. It is assented and accorded for the good Government of the Commons, that no man be put to answer without Presentment before Justices, or matter of Record, or by due Process, and writ original, according to the old Law of the Land. And if any thing from henceforth be done to the contrary, it shall be void in the Law, and holden for Error. And therefore we all jointly and severally expect and claim the like Declaration and Resolution in all these particulars, being assented to by King Charles himself in the Petition

tion of Right, and by these ancient Warlike Kings, and true English Parliaments, from whose vigilancy, magnanimity, unanimity, zeal, courage in defence of their our fundamental Charters, Laws, Rights, Liberties, we should now be ashamed to degenerate, after so many years, wars, and vast expences for their preservation; and all sacred solemn Protestations, Vows, Leagues, Covenants, Declarations, Remonstrances, and Ordinances, engaging us, with our lives and fortunes constantly to defend them all the daies of our lives, against all oppositor. And if any who pretend to the Name or power of a Parliament, should now refuse or neglect to do their duties herein, they may justly expect to be had in perpetual detestation and execration both with God and all English Freemen.

XII. It was frequently averred, declared (k) by the Commons in this Parliament; That the old custome and use of our Parliaments constantly hath been, and ought to be, to debate, redress all publick grievances, and establish, secure their violated * Great Charter, Laws, Rights, and Liberties, in the first place of all, before they debated, or granted any aides, or subsidies demanded of them, (though never so pressing, or necessary) it be not both dangerous, imprudent, and a breach of their trust towards the people who elected them, to play an After-game for their Liberties, Laws, and Grievances, which would never be effectually redressed after subsidies once granted, Whereupon they refused to pass the Bill of Subsidies then granted till the Petition of Right was first assented unto, enrolled, and their Grievances redressed by the King.

XIII. They cast Sir Edmund Sawyer, a Member of the Commons House, out of it, upon solemn Debate; (l) committed him Prisoner to the Tower, and perpetually disabled him to serve in Parliament for the future, for having a chief hand in making a Book of Rates, for Tunnage and Poundage, and laying impossi-

(k) 22, 23, 24, 25 March, 1628. and sundry daies after.
* 52 H. 3. c. 5.
25 E. 1. c. 1, 2, 3.
28 E. 1. c. 1.
2. 1 E. 3. Stat.
2. c. 1. 9. 2 E. 3.
6. 1. 4. 5, 10, 14.
15, 25, 28, 31.
36, 37, 38, 42.
45 E. 3. c. 1. 1.
20 31 5, 6, 7.
8, 9, 12 15 R. 2.
6. 1. 2. 1, 2, 4, 7.
9. 13 H. 4. c. 1, 3.
4. 9 H. 5. c. 1. 2.
H. 6. c. 1. 11 H.
7. c. 1.

(l) 21 Junii, & 9 April 1628.

on the Subject, in nature of a Projector, without grant or Act of Parliament. And likewise suspended Mr. John Baber (then Recorder and Burgess of Wells) only for making a Warrant to billet Soldiers, on some of the Townsmen, against the Law, and Subjects Liberty, out of fear. Resolving, that all Projectors and Promoters of illegal impositions, Taxes, Billetings, Projects out of base fear, (which Mr. Baber) or by regal command (which Sir Edmund Sawyer pleaded for his excuse) were unfit to sit or vote in any English Parliament, and fit to be turned out thence by judicial sentence, with greatest Infamy. And whether any such be fit to be Members at any other season, let those whom it concerns determine.

XIV. In this Parliament of 3 Caroli the (a) Speaker in the close of his first Speech to the King (according to (b) usual customs in former ages) prayed 3 Privileges in behalf of every Member of the Commons House; the first whereof was, That for the better attending the publick and important services of the House, all and every Member thereof, and their necessary attendants may be free both in Person and in Goods from all Arrests and troubles; according to their antient Privileges and immunities: Which the King shun readily granted them all, according to the true Rights and Privileges of Parliament: By the mouth of the Lord Keeper. (c) After which Sir Edward Cook (arguing against the King and his Councils power, to commit men only by special command; without any legal cause expressed in the Warrants in the House used this expression. This concerneth not only the Commonalty, but the Lords, and therefore is deserveth to be spoken of in Parliament, because this might dissolve the Parliament and this House: for we may be then all one after another thus committed, 31 H. 6. rot. Parl. n. 26, 27. (d) No Member of Parliament can be arrested but for Felony, Treason, or Peace: And all here may be committed

(a) 19 Martii 1627.

(b) 6 H. 4. n. 8.

3 H. 4. n. 8. &c.

9 H. 4. n. 12,

13. &c. 11 H. 4.

1. 10. 11. 13 H.

4. 1. 10. 11. Cook

4 Instr. p. 8.

(c) 29 Martii

1628.

(d) See my

Plea for the

Lords, p. 50, 51,

52. & 8 H. 6.

n. 57. William

Mildreds case,

Burgess of Lon-

don,

(c) 3 & 5

Maj 16.

8. Common

mitted (under these pretences) and then where is the Parliament? Surely the Lords will be glad of this, it concerns them as well as us: (c) Not long after the House being informed, that Sir Robert Stanhop a Member thereof was committed by the Lords of the Council; thereupon the House, (in whose power it was, either to send an *Habeas Corpus*, or their Sergeant with his Mace, for any Member committed, as was resolved the last Parliament before this, together with the cause thereof) ordered; That their Sergeant should go with his Mace, and bring Sir Robert Stanhop, with his Keeper, and the Warrant for his commitment, into the House, the next morning they sat. Who accordingly brought him, with the Marshal of the Household, and the Warrant, wherein it was declared, That his commitment was, by the Lords of the Council, for breach of the peace, and refusing to give Sureties for the Peace: upon a challenge and a Duel, intended by him, as the truth of the Case appeared. Whereupon the House were of opinion; That standing committed for his real breach of the peace, and refusing to give Sureties, he could not have his Privileges, without giving good security in the Kings Bench to keep the peace. And Mr. Fanshaw alleging That in such cases some Members by order of the House had entered into Recognizances in the Kings Bench in former times, to keep the Peace, a Committee was ordered to search out the Presidents, and consider of the Case. But the quarrel being soon after taken up, thereupon the Lords released Sir Robert without Sureties, to attend the service of the House. On the 28 of April 1627 Sir Simon Steward a Member of the Commons House, being served with a *Sub poena ad audiendum iudicium* out of the Star-chamber, at the suite of the Kings Attorney, upon a Bill there exhibited against him, for sundry misdemeanours; complained thereof to the House, and shewed that he had been in-

inticed to enter into a Bond and Recognizance of 500 l. not to claim any privilege of Parliament. The House upon solemn debate hereof, April 20. resolved, That Sir Simon, notwithstanding this Bond and Recognizance, should have his Privilege allowed him; because he was elected by, and served for others, and could not make a Proxy; and because else the House might thereby be deprived of his attendance by his Censure: Yea this Recognizance, with the Condition thereof (not to claim his Privilege) were held to be void and against the Law: And by order of the House, the party who served the Subpoena on Sir Simon Steward, was sent for as a Delinquent; and Sir Simon commanded to attend the service of the House, and not the hearing of the cause. Upon this, on the 10th of May, the Inhabitants of the Isle of Ely exhibited a Petition against Sir Simon to the House, complaining, that they had exhibited an Information against him in Star Chamber, for taking bribes about pressing of Souldiers as a Deputy Lieutenant, and defrauding the Country about the Kings composition; which cause was ready for hearing; Petitioning the House, that he might waive his privilege, having entred into a Bond of 500 l. not to claim it. But it was resolved upon debate, That the Commons House was Judge of any offence done by the Members of it. And thereupon ordered, That a Committee should examine the Witnesses and other proofs of the Charge against him; and so this House to proceed to Judgement against him: Which was done accordingly. To these cases of Privilege in the Commons House, I shall adde another memorable one in the Lords House, in the second Parliament of King Charles. The King sitting that Parliament, committed the Earl of Arundel to the Tower, without leave of the House, or acquainting the Lords with the cause thereof. Whereupon, May 25. 1626. the Lords drew up and sent this Remonstrance and Petition to the King, entred in their Journal on record.

The

*The humble Remonstrance and Petition
of the Peers.*

MAY it please your Majesty, We the Peers of this your Realm now assembled in Parliament, finding the *Earl of Arundel* absent from his place amongst us, his presence was therefore called for. But thereupon a Message was delivered us from your Majesty by the *Lord Keeper*, That the *Earl of Arundell* was restrained for a misdemeanour which was personal to your Majesty, and lay in the proper knowledge of your Majesty, and had no relation to matter of Parliament. The Message occasioned us to inquire into the Acts of our Ancestors, and what in like cases they had done; that so we might not erre in a dutifull respect to your Majesty, and yet preserve our Right and Privilege of Parliament. And after diligent search made, both of all Statutes, Statutes and Records, that might inform us in this case, We find it to be an undoubted Right and constant Privilege of Parliament, That no Lord of Parliament, sitting the Parliament, or within the usual times of Privilege of Parliament is to be imprisoned or restrained (without Sentence or Order of the House) unless it be for Treason or Felony, or for refusing to give surety for the Peace. And to satisfie our selves the better, we have heard all that could be alleged by your Majesties learned Counsel at law, that might any way infringe or weaken this claim of the Peers: And to all that can be shewed or alleged, so full satisfaction hath been given, as that all the Peers in Parliament upon the Question made of this Privilege, hath una voce consented, that this is the undoubted Right of the Peers, and hath inviolably ben enjoyed by them.

Wherefore we your Majesties loyal Subjects and
humble

humble Servants, the whole Body of the Peers now in Parliament assembled, most humbly beseech your Majesty, that the Earl of Arundel (a Member of this Body) may presently be admitted by your Gracious favour, to come sit and serve your Majesty and the Commonwealth in the Great Affairs of this Parliament.

And we shall pray, &c.

Vpon this Remonstrance and Petition sent to the King, the * Peers presently adjourned their house till the next morning, by which time they expected the Earls release; but not finding him enlarged, the next day May 26. they presently adjourned their House till the 2. of June, refusing to sit, and resolving not to att any thing till the Earl was released to sit among them, or the particular cause of his Commitment and seclusion declared to them, that they might judge of its legality. Whereupon the King was inforced to release him to satisfie the Lords House: In imitation whereof the (f) whole House of Commons the last Parliament of King Charles, upon the Kings comming into the Houle to demand the 5 Members he had impeached of High Treason, Janu-
 ry 4. 1641. (which they Voted, To be an high Breach of the Rights and Privilege of Parliament, and inconsistent with the Freedom and Liberty thereof) presently adjourned it self, and so did the House of Peers too (upon his demand of the Lord of Kimbolton) refusing to sit as an House, but only as a Committee in London, for certain dayes, till this breach of their Privileges was repaired, and their Mmbers restored, vindicated, cleared by the King; who released all further prosecution against them.

* See My Plea for the Lords, p. 6.

(f) Exalt Collection p. 34. 10 57. 66, 67. &c.

From which Presidents in these Parliaments of King Charles, it is observable

1. That it is an antient and undoubted Privilege and

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Right

Right of all and every Mmber of Parliament, as well Commoner, as *Pear*, (as likewise of their necessary Servants and Attendants) to be free from all Arrests, Imprisonments and restraints whatsoever by the King, Council, or any others, except only in cases of *Treason, Felony, and Breach Surety of the Peace*: which was then cleared by 5 H. 4. n. 39. 5 H. 4. c. 6. 8 H. 6. n. 57. 31 H. 6. n. 25, 26, 27, 28. 39 H. 6. n. 9. 7 E. 4. n. 36. 4 H. 8. c. 6. 3 *Iacobi*, the *Baron of Wallons* case, and Sir *George Hallings* case a *Caroli*, to which the Presidents printed in Sir *Edward Cooks* 4 Institutes p. 24, 25. and the *Statute* of 8 H. 6. c. 1. may be added; which declares, *That the Great men and Commonalty of the Realm of England called or to be called to the Kings Parliament, do enjoy, and were wont to enjoy, and in time to come ought to enjoy, this liberty or defence in coming, tarrying, and retorning, not to be arrested, molested, or inquieted; and gives the same Liberty to the Clergy called to the Convocation by the Kings writs, and to their Servants and Families.* Therefore the arresting, imprisoning, secluding, molesting of any Members of late or present times by the Army Officers or others, is a most apparent breach of this antient Privilege, worthy the severest penalties, and speedy reformation.

2. That the ground and only reason of this Privilege is, *that all & every member summoned to, or elected and returned to serve in Parliament, might duly, freely, and diligently attend his publike trust and service in the Parl. without molestation, restraints, seclusion or disturbance: (as these Presidents, Statutes, and Records resolve) which all and every of them are bound to doe, under pain of being amerced, fined, and otherwayes punished, and of losing their wages besides; as is clear by the Statute of 5 R. 2. Parl. 2. c. 4. The King doth will and command, and it is assented in the Parliament by the Prelates, Lords and Commons, that all and singular*
Per.

Persons and Commonalties, which from henceforth shall have the summons of Parliament, shall come from henceforth to the Parliament in the manner as they be bounden to doe, and have been accustomed within the Realm of England of old times. And every person of the same Realm which from henceforth shall have the said summons, (be he Archbishop, Bishop, Abbot, Prior, Duke, Earl, Baron, Banneret, Knight of the Shire, Citizen of City, Burgesse of Borough, or other singular Person or Commonalty) which doth absent himself, or come not at the said Summons, (except he may reasonably and honestly excuse himself to our Lord the King) shall be amerced and otherwise punished, as of old times hath used to be done within the said Realm, in the said case, &c. As likewise by the Statutes of 1 H. 5. c. 1. 32 H. 6. c. 15. 9 H. 8. c. 16. The Act for Triennial Parliaments, 16 Caroli, 31 H. 6. n. 45, 46. 8 Martii 23 Eliz. Cooks 4 Institutes, p. 1, 2, 4, 9, 10, 15, 17, 23 34, 35, 43 to 50, and my Plea for the Lords, which you may consult at leisure. Therefore no member duly summoned or elected, may or ought to be arrested, seclused, or suspended the Parliament by any Persons or Powers whatsoever, upon any pretext or new devised Instrument, but only by the House and Parliament it self, without the highest injustice, affront to the Parliament, Member, and the people who elect him.

3. That the Parliament alone during its sitting, and no other person or powers whatsoever, is and ought to be the sole Judge of the due elections, offences, fitness, election, seclusion, suspension, imprisonment of the Members of Parliament. And that no Member in cases of Treason, Felony, or Breach of Peace, ought to be taken away or detained from the service of the House whereof he is a Member, until that House hath satisfaction concerning the truth of the fact, and grounds of the Accusation;

which it is bound to examine, and then to proceed against him, themselves, if it be proper for the Parliament, or to suffer him after to be proceeded against elsewhere, as resolved in the Presidents of Sir Edmund Sawyer, Mr. Baber, Sir Simon Steward, Sir Robert Stanhop, the Earl of Arundel, the Lord of Kinbolton, and 5 impeached Members, forecited of late: By sundry ancient Presidents in my *Plea for the Lords*, p. 33 to 54. My *Ardua Regni*, and *Levellers Levelled*, *Cooks & Institutions*, p. 23, 24, &c. And expressly declared by the *Lords and Commons*, in their printed *Declaration*, Octob. 23. and *Remonstrance* Novemb. 2. 1642. *Exact Collection* p. 655, 657, 723, 724, 726, 727. Wherefore for any persons or Powers out of Parliament to arrest, or seclude any Member duly summoned or elected by the People (especially without, before, or against the judgement of the Parliament, or without rendring any reason thereof to the Parliament and People who elect them) is the highest usurpation over, and affront to the Sovereign jurisdiction of Parliaments, that possibly can be devised, yea an erection of a supream new Power, both over Parliaments themselves, and their Members; and great injustice to the People, lately (g) voted the *Sovereign Power, and only fountain of all lawfull Authority in the Nation*.

(g) Jan. 1648.
See the History
of Independen-
cy.

4. That the Parliaments of England in all former ages, have been very diligent, vigilant, zealous, resolute, couragious in maintaining these their antient undoubted Privileges of their Members, and the Houses of Parliament, against the least incroachment or violation; not suffering so much as one or two of their Members at any time (especially in the Parliaments of *King Charles*) to be imprisoned, or restrained from the Parliament, for any real or pretended causes, without present demanding of him, or them, and examining the grounds of their restraints, adjorning their Houses, and refusing to sit or act till thei

till their Members were restored, righted, and their Privileges repaired; And that upon these four grounds, worthy special observation.

1. Because our Parliaments in former times, were constantly adjourned from the day of their first appearance, till a further time, when any of the Lords, Knights and Burgeſſes, by reason of ſickness of time, other public employments, or default of the Sheriffs returns, were absent, and did not appear, to make up a full Parliament upon the first day of the Summons; which I have proved by 30 Parliaments, Presidents and Records (b) else-where cited) in the reigns of King Henry 3. Edward the 3. Richard 3. and Henry the 4th, (to which some others might be added) to prevent the danger of acting any thing in a thin or packed House.

(b) The Level-
lers levelled, p.
p. 21. 22. My
Plea for the
Lords, p. 25.
&c.

2. Because the undue seclusion of any Members duly elected by force or combination, (especially when others unduly, or not at all elected by the people, were returned and admitted as Members) hath nullified, made void and repealed all the Acts and Proceedings of former Parliaments, thus fraudulently packed for sinister private ends ; as being no Parliaments at all in law or truth, but a packed Conventicle and Confederacy, as the printed Statutes of 21 R. 2. c. 12. 1 H. 4. c. 3. and rot. Parl. 1 H. 4. n. 22, 23. 38. 48. 66. 70. 38 H. 6. n. 35. 39 H. 6. c. 1. 17 E. 4. c. 7. And the Statutes of 10 H. 7. c. 23. made in Ireland, will resolve the perusers of them, being over-tedious to transcribe.

3. Because else the King and his Council, or others might as well summon what Nobles, Counties, Cities, Boroughs they pleased to the Parliament, and omit whom else they pleased out of the Summons, without any Writs directed to them; and seclude or admit whom they pleased, when summoned, elected, returned to serve in Parliament; contrary to the (i) Great Charter of King John, and the Statute of 5 R. 2. c. 4. which

(i) Mat. Paris
Hist. Anglia, p.
247. See My
Plea for the
Lords, p. 5, 6.

which expressly provide, *That all the Barons, Citizens, Burghesses, Communicatives and Counties shall be summoned to every Parliament.* And if any Sheriff of the Realm be from henceforth negligent in making his returns of Writs of the Parliament, or that he leave out of the said Returns any Cities or Boroughs which be bound, or were of old time wont to come to the Parliament, he shall be amerced or otherwise punished, in the manner as was accustomed to be done in the said case in times past. They being all to be summoned as formerly, ex debito Justitiæ, as Sir Edward Cook resolves in his 4th Institutes, p. 1. printed by the Commons House special Order: else the Parliament will be Void and Null, as the Statute of 10 H. 7. c. 23. for Ireland declares, resolving the Patent of Drogheda to be void, upon this reason.

4. Because (as both Houses of Parliament resolved in their (k) Declaration of October 23. and Remonstrance. Novemb. 2. 1643. published in print to all our 3. Kingdoms and the World, (penned and assented to by some Grandees in present power) the King or any prevailing party whatsoever might else at any time seclude and pull out of the House of Parliament all such Members as they found evasive and opposite to their designs: Make whom and how many Members they pleased a Major part, so carry on their designs, and thereby destroy the whole Body of the Parliament by pulling out the principal Members, and pull up their Privileges by the roots. A treachery, injury, innovation, not to be tolerated or connived at in the least Degree, after so many Protestations, Vowes, Solemn Leagues, Covenants, Declarations, Remonstrances, both by the Parliament and Army, and so many years bloody Wars, for defence of the Rights and Privileges of Parliament. I shall therefore close up this particular with the memorable words of Lords and Commons forenamed Remonstrance,

Exact Collect.
on p. 655, 657.
723, 724, 726,
727.

ees, which I desire all Swordmen, the whole Nation, and those especially who were then Members, to take special notice of. (1) *This Privilege of the Members* (1) *Exalt to the*
clusion from the House, and arrests (fore mentioned) *tion p. 724.*
 is so clear and essential a Privilege of Parliament, that the whole Freedom of Parliament depends upon it. For who sees not, that by this means under false pretences of Crimes and Accusations, such and so many Members of both or either House may be taken out of it at any time, by any persons to serve a turn, and to make a major part of whom they will at pleasure. And therefore as the Freedom of the Parliament dependeth in a great part upon this Privilege, and the Freedom of this Nation upon the Freedom of Parliaments; We have good cause to believe, that the People of England, knowing that their Lives and Fortunes are bound up in this Bundle, will venture their Lives and Fortunes in this Quarrel, Accursed, and for ever execrated then let all those Swordmen and Innovators be, who by any *Matchavilian Policies, Engines, or Instruments* whatsoever, shall endeavour to deprive the Parliaments and People of England, of this their antient essential Privilege and Freedom; or necessitate them once again to venture their Lives or Fortunes in this quarrel, to maintain or regain the same by a *New war or insurrection*, against the *Imprisoners or Secluders* of any of their duly elected and best respected publick *Trustees* out of our Parliaments in time to come (as they have oft times done for some years by-past) to the subversion of Parliaments and Peoples general affront and discontent. To prevent which danger, I could heartily wish, that a free *Legal English Parliament* might be duly summoned, either by the *Peers of the Realm*, or by the *Freeholders, Freemen, and Burgeses* of every County, City, and Borough, in their default, according to the late *Act for triennial Parliaments*, yet in force (to which many
 in

in present power were assenting) to redress all high violations of our Parliaments just Rights and Privileges, and prevent the like for the future, reform all publick Grievances, remove all unrighteous oppressions, compose our manifold sad Divisions, Schismes, Fractions both in Church and State, and settle our three distracted Kingdoms in such unity, peace, prosperity, after all our destructive wars, as all good men long, pray for, and none but Traytors, or professed Enemies to our Tranquillity and Welfare, can or dare oppose.

15. The whole *House of Commons* (m) impeached, and the *Lords House* judicially sentenced Dr. *Manning* (then a Member of the *Convocation*) for preaching *before the King*, and publishing in print in two Sermons, intituled *Religion and Allegiance*, contrary to the *Laws and Statutes of this Realm*, and propriety of the Subject,

1. 'That the King is not bound to keep and observe the good Laws and customes of the Realm, concerning the Rights and Liberties of the Subject, who undoubtedly inherit this Right and Liberty not to be compelled to contribute any tax, tallage, aid, or to make any loans, nor set or imposed by common consent, by Act of Parliament: And that his Royal will and command in imposing Loans, Taxes, and other Aids without Common consent in Parliament, doth so far bind the conscience of the Subject of this Realm, that they cannot refuse the same without peril of damnation.

2. 'That those his Majesties Subjects who refused the Loan imposed on them, did therein offend against the Law of God, against his Majesties supream Authority: and by so doing became guilty of impiety, disloyalty, rebellion, disobedience, and lyable to many other Taxes and censures.

3. 'That authority of Parliament is not necessary for

'for raising of Aids and Subsidies, That the slow proceedings of such Assemblies are not fit for the supply of the urgent necessities of the State, but rather apt to produce sundry Impediments to the just designs of Princes: and to give them occasion of displeasure or discontent.

For which Sermons and positions the *Lords House* adjudged, 1. That this Dr. Manwaring (notwithstanding his humble Petitions, and craving pardon for these offences) shall be imprisoned during the pleasure of the House. 2. That he be fined 1000 l. to the King. 3. That he shall make such a submission and acknowledgement of his offences, as shall be set down by a Committee in writing, both at the *Lords Bar* and in the *House of Commons* (which he accordingly made.) 4. That he shall be suspended for the time of three years from the exercise of the Ministry. 5. That he shall be for ever disabled to preach at the Court hereafter. 6. That he shall be disabled hereafter to have any Ecclesiastical dignity or secular Office. 7. That the same Book is worthy to be burnt, and that for the better effecting thereof, his Majesty may be moved, to grant a Proclamation to call in the said Books, that they may be burnt accordingly in London, and both Universities, and for inhibiting the printing hereof upon a great penalty. Which was done accordingly.

Whether some late Court-Chaplains, or Parasites have not incurred the like offences, and demerit not as severe a censure as he, for some Sermons, and printed Pamphlets, * Instruments of like nature; is worthy * *Artic. 27.* the consideration of the next publike Assembly, and 28, 29. future *English Parliaments*.

XV. The (n) *House of Commons* sent for, and committed Mr. *Laughton*, and Mr. *John Trelawny*, to the *May 1628.* *Tower*, and Sir *William Wray*, and Mr. *Edward Trelawny*, to the *Sergeant at Arms*, during the Houses pleasure, and ordered them to make a Recognition of their

offences at the Assises in Cornwall for interrupting the freedoms of Elections in that County; For that some of them being Deputy-Lieutenants, and others of them Justices of Peace of the County of Cornwall, writ Letters to this effect. 'Whereas the safety of the Realm depends upon the Parliament, we the Deputy-Lieutenants and Justices to whose care the County is committed, finding A. and B. fit persons, have desired them to stand to be Knights, whereof we give you notice; and advising Sir John Eliot and Mr. Carleton to desist, that they wished them not to be chosen, and menacing them in this manner, but if you go on, we will oppose you by all means, lest his Majesty suspect our fidelity; since you know how gracious you are to his Majesty, and how many waies he hath expressed his displeasure against you. And his Majesty will conceive your Election to be an affront to his service, and so we shall draw the displeasure of the King on us. Our hope is, that you out of conscience and loyalty will not seek this place; and we let you know, that if you do, we will oppose you all we can, &c. And writing Letters to others of the County to this effect. 'Whereas unquiet Spirits seek their own ends, we desire men of moderation may be chosen, and we desire you to give your Voice to A. and B. &c. And for that besides these Letters, they warned the trained Band to attend the day of the election. By which Letters, Menaces, and Practices they were voted guilty, as practising to pervert the freedoms of the election of the Knights of that County; and thereupon thus censured by the House. On the 28 of the same May 1628. Sir John Eliot reported from the Committee sundry complaints against the Lord Mohun, Vice-warden of the Stanneries in Cornwall, by the Tinnors of that County, whereof this was one, That the Tinnors in Cornwall, have time and of mind used to elect a Parliament of Tinnors, so often as there is occasion,

summary.

28 May
1628.

summoned over in this manner; The Lord Warden of the Stanneries grants his Commission to the Vice-Warden, who thereupon directs Summons to the 4 Maiors of the 4 Divisions of the Stanneries, appointing them to elect within every Division, 6 Tinnors to be elected by the Mayor and his Corporation; and so the parties elected are returned to serve in their Parliament. That the Lord Mohun being Vice-Warden at Christmas then last past, sent his Warrant to the 4 Maiors, commanding them to elect such and such Persons by name to be Tinnors for the Parliament. The Maiors obeyed, and summoned the men, who met the 4th of January last. Upon the meeting, the Tinnors questioned the lawfulness of that Parliament. First, because there was no Commission (from the Lord Warden, but only a Letter) and that for a meeting only to confer. 2. For that the Election was not free and due. Whereupon that Parliament was dissolved as void. Upon which the Lord Mohun the 5 of February, sent out new Summons to the Maiors, that they should reassemble such and such Persons as he named in his Warrant; who meeting together, he perswaded fourteen of them (against the Protestation of the other ten) to impose the sum of 500l. upon the Tinnors, towards the maintenance of their Liberties, as he pretended; and sent forth his Warrants to collect the Money sitting this Parliament. Which the Tinnors complained of in Parliament, as a great Grievance and impeachment of their privilege, and freedom of their elections and Parliaments; and was so voted by the Commons House, and the Lord Mohun thereupon summoned to answer the charge. Whether the Freedom of many late Elections of Members for this Assemblies in Counties and Burroughs, hath not been perverted, hindered, abolished, by like Letters, Menaces from Whitehall, Major Generals, Captains, other Grandees; by drawing up Troops of armed Soldiers to the places of Election to terrifie the people; en-

joining such and such persons by prescribed Lists, Letters, and otherwise to be chosen, such and such to be opposed and not elected, as being persons *disaffected, turbulent, unquiet Spirits*, &c. and other indirect practices; (to make up a packed Court-Coventicle, to carry on private designs, instead of a *New Free-stare Parliament*) is worthy the inquiry and censure of those whom it most concerns; to preserve and vindicate the Free-dome of Elections, long since established, against such practices, menaces, force and terror, by the Statute of 3 E. 1. c. 5. which enacts,

See Corke
2 Institutes
198, 169.

* Because Elections ought to be free, the King com-
manded upon great forfeiture, that no great Man, nor
other, by force of Arms, or by malice or menacing,
shall disturb any to make free Election. For violat-
ing which Law, and ancient custome, the whole Par-
liament of 1 H. 4. rot. *Parliamenti*, nu: 36. thus im-
peached King Richard the 2. when they enforced him
to resign his Crown, for his misgovernment in this par-
ticular amongst others. *That although by the Statute
and Custome of this Realm, in the Assembling of every
Parliament, his People in all Counties of his Realm,
ought to be free, to choose and depute Knights for
the said Counties to be present in Parliament, and to
declare their Grievances, and to prosecute remedies
thereupon, as it should seem expedient to them; Yet
the said King, that he might be able in his Parliaments
more freely to obtain the effect of his rash will, fre-
quently directed his Mandates to his Sheriffs, to cause
certain persons nominated by the King himself, as
Knights of the County, to come unto his Parliaments.
Which Knights verily favouring the King he might
easily induce, as he frequently did; sometimes by divers
Menaces and tenors, and sometimes by Gifts, to con-
sent to those things which were prejudicial to the
Realm, and very burdensome to the People, and
specially to grant to the said King a Subsidy for cer-
tain*

tain years, to the over-great oppression of his people. Which misdemeanour and inroad upon the freedom of his Subjects elections, and packing of Parliaments for these ends, lost him not only his peoples hearts, but his very Crown, Regal Power and life. Which others who now tread in his footsteps, and exceed him herein, may do well, advisedly to consider, for fear of the like impeachment, and tragical events.

In 11 R. 2. Rot. Claus. dorf. 13: The King sent Writs to the Sheriffs of *Kent*, and all other Sheriffs to summon a Parliament, with this New unusual clause, by reason of the differences between the King and his Nobles. *Eligere homines in debatis modernis maxime indifferentes*. But this being a Novelty, (contrary to the Freedom of Elections, and the Statute of 3 E. 1. c. 5.) & contra formam Electionis antiquitus usitate, et contra libertatem Dominorum et Communitatis regni hactenus obtentam. *Ideo*, therefore this clause was struck out of the Writs, by order of Parliament ever since. And that Parliament was afterwards repealed, by the Parliament of 21 R. 2. When the Parliament of 6 H. 4. Anno 1404. was to be summoned, the King by pretext of an Ordinance of 45 E. 3. rot. Parl. n. 13. wrote Letters to the Sheriffs and other Officers; * *That no Lawyer should be chosen or returned a Knight or Burgesse for the Parliament*, yet inserted it not into the Writ, as *Walsingham* and others mistake. But the very next Parliament after, 7 H. 4. the Commons grievously complained against the interruption of the Freedom of their Elections by these Letters; Whereupon, to prevent the like inroad and interruption for the future, at the grievous complaint of the Commons, of the undue Election of the Knights of the Counties for the Parliament, which be sometimes made at the affections of Sheriffs and otherwise, against the form of the Writs, so the great slander

* *Walsingham*,
Hist. Angliæ, p.
414. *Sir Edw.*
Cooks 2 Infl.
Int. 5 c. 1: p. 10.

* 7 H. 4. c.
13.

of the Counties, and hinderance of the businesse of the
Communitie in the said County; it was ordained and es-
tablished * by a special Act yet in force; that all that
attend to the Election of the Knights in the full County,
shall proceed to the Election freely and indifferently,
notwithstanding any Request or Commandement
to the contrary. By vertue of which Acts and premi-
ses all late Letters to Major Generals and Sheriffs with
like or worse clauses to restrain the people in the free-
dom of their Elections, must be void and illegal. In
18 H. 6. n. 18. A New Election and Writ was awar-
ded and sent to the Sheriff of Cambridge, with procla-
mation, That none should assemble with names to
the New election, nor intermeddle in it without war-
rant of Law, the former election being vacated by rea-
son of the force and disturbance. Anno 38 H. 6. there
was a Parliament summoned at Coventry on the 2. of
November, wherein divers Knights and Burgesses
were returned by the Sheriffs, nominated onely by the
Kings Letters (surreptitiously procured from him by di-
vers seditions and other evil disposed persons, to destroy
and suppress others of a contrary party) without any e-
lection by the people: This packed Parliament ordered,
That they should stand and serve as Knights and Burges-
ses, though they were not elected nor duly chosen, and that
the Sheriffs should not incur the penalties of the Sta-
cute of 23 H. 3. c. 11. as appears by 38 H. 6. n. 35.
and the Statute of 39 H. 6. c. 1. But what was the is-
sue? The very next year a new Parliament being sum-
moned, the first Act they made, was, to declare this
Parliament, and all Acts, Statutes and Ordinances made
therein, to be null and void, and of no force and effect:
Because it was unduly summoned. a great part of the
Knights for divers Counties of this Realm, and ma-
ny Burgesses and Citizens for divers Boroughs and
Cities in the same Appearing, were named, retur-
ned and accepted, some of them without due and free
election

election, some of them without any election, against the course of the Kings Laws, and the Liberties of the Commons of the Realm; by the means and labours of the said seditious Persons, &c. As the Statute of 39 H. 3. c. 1. (worthy perusal and consideration of this next Assembly) resolves in positive termes, though not one of those then duely elected by the people was seclused. Which I desire all our ignorant violent Swardmen, young Statesmen, and Instrument-makers to take Notice of, for fear all their Conventions, Acts and proceedings prove meer Nullities in conclusion, upon this account of unfree and undue election, and seclusions of Members duely elected, against Law, and the Parliaments, Peoples Rights and Privileges.

16. In this Parliament of * 3 Caroli, the Attornies* 29. & 30. May, 1628.
of York complained to the Commons House, that King Charles in the second year of his reign had granted to Sir Thomas Mounson by Patent, the sole making of all Bills, Declarations, and Informations before the Counsell of York, and likewise the sole making of Letters Missives and Processe in that Court for 3. Lives. The Committee of Grievances, and after that the whole House of Commons in the Parliament of 18 Iacobi, and after that in the Parliament of 19 Iacobi 29 Novemb. adjudged the like Patent as this made by King James to John Lepton 4 Iacobi of this Office, To be a Grievance and Monopoly, both in the creation and execution. And the whole Committee of Grievances, and Commons House upon the Report and full debate of this Patent to Sir Thomas Mounson, adjudged it likewise to be a Grievance, both in the Creation and Execution, in respect of Bills, Declarations, and Informations; though not in respect of Letters and Processe; the sole making whereof the King might lawfully grant upon the erecting of this Court by a special Patent, but being mixed with Bills, Declarations and Informations in the same Patent, they adjudged the whole Patent to be a Grievance.

* See Cooks 11.
Report, f. 84.
85, &c.

vance, (as they likewise removed the *Earl of Holland* his Patent of Exchange, for the sole buying of Gold and Silver, to be a Monopoly and Grievance, both in the creation and execution, June 23. 1628.) And that principally for 3 Reasons. First, because it was a * Monopoly within the Statute of 21 Jacobi, tending to the prejudice of the Attornies of York in their very Profession of making Bils, Declarations & Informations, which they antiently made; and likewise of the people, who must dance attendance on this sole Secretary and his Clerk, til they were at leisure to dispatch their Bils and Declarations. 2ly, Because upon the making of Bils and Declarations men must shew their evidences to this Patente and his Clerks, and trust them with them, as in cross Bils they must see the evidences of both parties, which would be very mischievous and prejudicial to the Clients. 3ly, Because this would erect a New fee, and bring a New charge upon the people: Which fee *Lepton* took for the execution of his Patent, though *Mounson* had not yet taken any New fee. And whether the old Court project (which I formerly twice quashed) now about to be revived, as I hear, of erecting Registers in every County, to record all Mortgages, Feoffments, Leases, Sales of Lands, Statutes, Fines and Obligations made therein, to prevent fraudulent conveyances, and other mischiefs, as the Projectors pretended; but in truth to put a new charge, fee, and intollerable vexation upon all sorts of people, to their intollerable prejudice, and vast expence of many thousand pounds a year for fees, and travelling charges, which these Projectors only aim at for their private Lucre, and to discover all mens real and personal Estates (as King *Richard* the first, and his Successors did the English Jews estates and wealth, by the self-same device, and then seized and confiscated them at their pleasures; as you may read at large in the First and Second part of my Short Demurrer to the Laws long discontinued barred Remitter into England)

England,) will not prove a greater Grievance than this Patent, for the self same reasons, and sundry others. Whether the Committee for sole approbation of Ministers to livings, who must all post up to London, and there dance attendance sundry weeks or Months to their vast expence; and oft times return at last without their expected preferments, without any sufficient cause alleged either to their Patrons or themselves, being held fit for other livings, but not for those to which they are presented, especially if benefices of good value or note, to which some of the Approvers their Friends or kindred have an eye). And the New fees there paid to their Clerk and Register for approbations and admissions, be not as great a Grievance and Monopoly, as this of Lepton and Mounson, fit to be redressed; I refer to the approaching Assemblies, and others to resolve, upon full debate, and sundry complaints I have heard made by divers against their Proceedings, and New erected Fees; which cannot be created but by act of Parliament, as is resolved 13 H. 4. 14 Brook. Patents 100. Fitzb. Nat. Brev. f. 122. Cook 11 Report. Darcies Case fol. 86. b.

17. They appointed a * special Committee to hear, examine, report, punish the manifold complaints of the Counties, and Corporations of England, against the New exorbitant power and proceedings of Lieutenants and Deputy-Lieutenant, in quartering Souldiers in mens Houses against their wills, in imposing rates and taxes on the Country without Act of Parliament for the payment and billeting of Souldiers, and levying them by Souldiers on such as refused to pay them, by quartering Souldiers upon them till paid, or imprisoning, or vexing the Refusers. For which these Lieutenants, Deputy-Lieutenants, and Officers of the Souldiers were sent for as Delinquents, and their New power and proceedings voted to be contrary to Law, and the Subjects Liberties, Pernicious to the Country, and dishonorable to the

F

King.

* 24 & 18
March, 2 & -
April, 19 Mar.,
&c. 1628.

King. And whether the late erected *New Powers* of our *Major Generals*, and their *Deputies* throughout *England* be not such (in imitation of (a) *Wil. Longchamps*) the first *Protector* in the Reign of *Richard the first*, who placed in every County armed Troops of *Mercenary Souldiers*, under *New Governors* of his own *Creatures*, to over-awe and enslave the People, and impose what *Taxes* and *exactions* he pleased, under pretext of preserving the publick Peace, and suppressing theevs and Tumults, yet was shamefully stript of all his Authority, and forced to fly over Sea, disguised in *Women's apparel*, within one year after, notwithstanding all his *Guards*, or *Garrisons*; or of the (p) *Turkish Basha*, and *Beglerbegs*, as most Patriots of their Countries *Freedome*, and the ordinary people mutter) and their exorbitant Tyrannical proceedings; in apprehending, taxing, decimating, dis-officing, dis-franchising, and sequestering all sorts of men in Counties and Corporations at their pleasure; in controuling all Officers and Ministers of Justice; in intermeddling with all matters and causes upon any informations, or Petitions, after Judgements, Verdicts, Decrees, and whiles pending or ended in any Courts of Law or equity; in summoning the parties to appear, before them, and committing, menacing them for not appearing; in usurping all the Civil as well as Military Power and Jurisdiction into their own hands; in levying illegal Taxes by Souldiers, and quartering them upon Refusers, (adjudged High Treason in *Straffords Case*, for which he lost his Head) sequestering Ministers at their pleasures, and taking upon them to nominate all Jurymen, and New Parliament men to the Sheriff, as some of them have done, and commit men to Prison upon civil causes or sutes; I leave to all such who have taken the Protestation, the solemn League and Covenant, to all Lovers, Patrons of *English Liberties*, and Declamers, Engagers against *arbitrary Tyranny*, yea to the

(a) *Hovenden Annals pars posterior p. 705 to 736. Nubrigen- sis Hist. l. 4. c. 14 to 19. Godwin in his life p. 247 to 271. My new Discovery of Pre- stia e Tyranny p. 77. &c.*

(p) See *Turk. imperii Status & descriptio Lugdun. 1634.*

the Consciences of all those *army Officers, Sculdiers, and Major Generals* themselves to resolve, who were pen-
ners, subscribers, approvers, applauders of, or assenters
to the printed *Engagements, Remonstrances, Repre-*
sentations, Proposals, Desires, Letters, and Resolutions
for settling this Nation in its just Rights, the Parlia-
ment in their just Privileges, and the Subjects in
their just Liberties and Freedoms, published in the
name of the General and general Council of the
Army, and of all officers and Souldiers of the Army,
in one Volume, London 1647. Which how
sincerely they have since (for the most part
of them) performed, let God, their own con-
sciences, and our whole Nation determine. To ex-
piate which former guilt, let them now at last upon
second and sober thoughts, effectually make them
all good, to avoid the perpetual infamy of the most
detestable *Perjury, Treachery, Hypocrisy, Fraud, Im-*
piety, Apostacy, Tyranny, Atheism that ever any Christi-
an Saint-like Army and Officers were guilty of in the
eyes of God or men, which else they will incur:
and for the present settlement of our three Nations,
in their *Liberty, Peace, and Christian Unity*, without
more effusion of *English, Scottish, or Irish* blood, to
regain those just fundamental old Rights, Liberties,
Privileges, Freedoms, Laws, for which they first took
up Arms (in reality or pretence at least) against the
beheaded King, transmitted to them by their An-
cestors, and their richest Birth-right, and best Inheri-
tance, as therefore most unfit to be all betray'd, surren-
dered, lost, subverted now, without any further dispute,
after so many years conflicts for their preservati-
on.

I shall close up all with this memorable *Perition* of the
whole House of Commons to the late King, by the *Spea-*
ker and whole House at Whitehall concerning the intole-
rable Grievance of billeting and keeping of Souldiers

(q) See the Declaration of March 17. 1648. with the sentence against him.

amongst them, but for a few months only) in that Parliament of 3 Carols, April 24. 1628. which the King then granted, and provided against for the future, in the *Petition of Right* (though since condemned (q) as the worst and greatest of Tyrants by some, who succeeded him at *Whitehall*) And therefore is much more just and reasonable to be granted by them now, for the Peoples case, after so many years of incessant Contributions, quartering and continuing of armed Mercenary Souldiers amongst them, Winter and Summer, without any actual imployment for them, but to terrifie, seize, imprison, Guard, oppress, enthrall, impoverish, disinherit of all hereditary Liberties, rights, privileges, our *English Freemen* at their pleasures, and to over-awe, force, dissolve, even *Parliaments* themselves, and secure, seclude their Members, for whose Protection they were first raised; VWhen as the Parliament of 5 R. 2. rot. Parl. n. 1. was adjourned for 3 days space, because great force of armed men, and others arrayed in Warlike manner, came to the Parliament, by reason of the great debate between the Duke of Lancaster and the Earl of Northumberland. And the Parliament of 11 R. 2. & 21 R. 2. were both repealed, because they were held with many armed men, and Archers, who over-awed, enforced them to consent to bills against their wills: as the printed Statute of 21 R. 2. c. 12. & 1 H. 4. rot. Parl. n. 20, 21, 22, 38, 70. at large inform us; so inconsistent are force and arms with the freedom and essence of a true *English Parliament*; as the armies Confederates in their own Ordinance of 20 August 1647. the *Speakers* own printed Letter July 29. 1647. with the Solemn Protestation of the prisoned and secluded Members, December 11, and Febr. 13. 1648. will further resolve the Nation, and Souldiers, against whose billeting, and scattering abroad in companies here and there, in the heart and bowels of the Kingdome, to inthrall and oppress

it, the whole Commons House then thus petitioned.

To the Kings most excellent Majesty:

IN all humbleness complaining, sheweth unto your most Excellent Majesty, your loyal and dutiful Commons now in Parliament Assembled. That whereas, by the Fundamental Laws of this your Realm, every Freeman hath, and of Right ought to have, a full and absolute propriety in his goods and estate, and that therefore the billeting or placing of Souldiers in the House of any such Freeman against his VVill, is directly contrary to the Laws under which we and our Ancestors have been so long and happily Governed. Yet, in apparent violation of the said antient and undoubted Rights of your Majesties Loyal Subjects of this your Kingdome in Generall, and to the grievous and intupportable vexation and detriment of many Counties and persons in particular, A new and almost unheard of way hath been invented and put in practice to lay Souldiers upon them, scattered in companies here and there, even in the heart and bowels of this Kingdome, and to compell many of your Majesties Subjects to receive, and lodge them in their own Houses, and both themselves and others to contribute towards the maintenance of them; to the exceeding great disservice of you Majesty, the general terror of all, and utter undoing of many of your good people. In so much as we cannot sufficiently recount, nor in any sort proportionably to the sense we have of our present misery, herein are we able to represent to your Majesty, the innumerable mischiefs and most grievous exactions, that by this means alone we do now suffer; whereof we will not presume to trouble your sacred Ears, with particular information. Only most gracious Sovereign, we beg leave to offer unto your gracious view,

and compassionate consideration, a few of them in general.

1. The service of Almighty God is hereby greatly hindered, the * people in many places not daring to repair to their Churches, lest in the mean time the Souldiers should rifle their Houses.

2. The antient good Government of the Country is thereby neglected, and almost contemned.

3. Your Officers of Justice in performance of their Duties have been resisted and endangered.

4. The Rents and Revenues of your Gentry are greatly and * generally diminished; Farmers to secure themselves from the Souldiers insolence, being by the clamour and sollicitation of their fearfull and endangered VVives, and Children, enforced to give up their antient dwellings, and to retire themselves into places of more secure habitation.

5. Husbandmen, that are as it were the hands of the Country, corrupted by ill example of Souldiers, are * encouraged to idle life, give over their work, and seek rather to live idly on other mens charges, than by their own labours.

6. Tradesmen and Artificers almost discouraged, being enforced to leave their Trades, and to imploy their times in preserving their families from violence and cruelty.

7. Markets unfrequented, and our waies grown so dangerous, that your people dare not passe to and fro upon their usual occasions.

8. Frequent Robberies, Assaults, Burglaries, Rapes, Rapines, murders, barbarous cruelties, and other late most abominable vices, and outrages, are generally complained of from all parts where these companies have been and made their abode; few of which insolenicies have not been so much as questioned, and fewer, according to their demerit, punished.

These

These, and many other lamentable effects (most dear and dread Sovereign) have, by this billeting of Souldiers, already fallen upon your loyal Subjects, sending no less to the dis-service of your Majesty, than to their own impoverishing, and distraction. So that thereby they are exceedingly disabled to yield your Majesty those supplies for your urgent occasions which they heartily desire. And yet they are more perplexed with the apprehensions of more approaching dangers. One in regard of the Subjects at home; the other, of Enemies abroad. In both which respects, it seems to threaten no small calamity.

For the first, the meaner sort of your People being exceeding poor; whereof in many places are great multitudes, and therefore in times most seiled, and most constant administration of Justice, not easily ruled, are most apt upon this occasion to cast off the reigns of Government, and by themselves, with those disordered Souldiers, are very like to fall into mutiny and rebellion. Which in faithful discharge of our Duties we cannot forbear most humbly to present unto your high and excellent Wisdom, being possessed with probable fears, that some such mischief will shortly ensue, if an effectual and speedy course be not taken to remove them out of the Land, or otherwise to disband those unruly Companies.

*For the second, we do humbly beseech your Majesty * Are not many to take into your Princely consideration, that many of Souldiers now those Companies, besides their dissolute dispositions and secretly such, & carriages, are such as profess themselves *Papists; And openly Anabaptists, Quakers, therefore to be suspected, that if occasion serve, they will rather adhere to a forein Enemy, (if of that Religion) than to your Majesty their Liege Lord, and Sovereign: especially some of their Commanders and Captains, being as Papistically affected as themselves, and having served in the wars on the part of the King of Spain or Arch-Dutchess against your Majesties Al- such? lies*

lies; Which, of what pernicious consequence it may prove, and how prejudicial to the safety of all your Kingdom, we humbly leave to your Majesties high and Princely Wildom.

And now upon these and many more which might be alleged, most weighty and important reasons, grounded upon the maintenance of the worship and service of Almighty God, the continuance of your Majesties high Honor and profit, the preservation of the antient and undoubted Liberties of your people, and therein of justice, industry, and valour, which concerns the glory and happiness of your Majesty, all your Subjects, and the preventing of imminent Calamity, and ruine both of Church and Common-wealth; We your most humble and loyal Subjects, the Knights, Citizens, and Burgeses of the House of Commons, in the name of all the Commonalty of your kingdom, who are on this occasion most miserable, disconsolate, and afflicted, prostrate at the Throne of your Grace and Justice, do most humbly and ardently beg for the present removal of this unsupportable Burthen, and that your Majesty would be graciously pleased to secure us from the like pressute in time to come. Which King Charles then did by the Petition of Right, which I shall here insert; because almost quite forgotten by most men like an old Almanack out of date, especially by our Grandees.

To the Kings most excellent Majesty.

Humbly sheweth, unto our Sovereign Lord the King, the Lords Spiritual and Temporal, and Commons in this present Parliament assembled; That whereas it is declared and enacted, by a Statute made in the time of King Edward the 1. commonly called *Statutum de Tallagio non concedendo*; That no Tallage or Aid shall be taken or levied by the King or his heirs in this Realm, without the good will or assent of the Arch-

*Archbishops, Bishops, Earls, Barons, Knights, Burges-
ses, and other the Freemen of the Commonalty of this
Realm. And by an Authority of Parliament holden
the 25 year of the reign of King Edward the 3d. it is
declared and enacted; That from thenceforth, no person
should be compelled to make any loans to the King against
his will, because such Loans were against reason, and the
Franchises of the Land. And by other Lawes of this
Realm it is provided; That none shall be charged by any
Charge or Composition, called a Benevolence, nor by a-
ny such like Charge. By which Statutes before men-
tioned, and other the good Laws and Statutes of this
Realm, your Subjects have inherited this freedom:
That they should not be compelled to contribute any Tax,
Tallage, or Aid, or other like Charge, not set by com-
mon Assent by Act of Parliament. Yet nevertheless
of late divers Commissions (directed to sundry per-
sons in several Counties, with their instructions) have
issued, by pretext whereof your people have been in
divers places assembled, and required to lend certain
sums of money to your Majesty. And many of them
upon their refusal so to doe, have had an Oath not
warranted by the Laws and Statutes of this Realm ad-
ministrated unto them; and have been constrained to
become bound to make appearance, and to give atten-
dance before your Privy Counsel at London, and in o-
ther places: and others of them have been therefore
imprisoned, confined, and certain otherways molested
and disquieted; And divers other charges have been laid
and levied upon your people in several Counties, by Lord
Lieutenants, Deputy Lieutenants, Commissioners for
Musters, Justices of Peace, and others, by command or
direction from your Majesty, or your Privy Counsel, a-
gainst the Laws and free Customs of the Realm.*

*And whereas also by the Statute called the Great
Charter of the Liberties of England, it is declared and
enacted, That no Free-man may be taken or imprisoned,
or be disseised of his Freehold or Liberties, or free Cu-*

stoms, or be outlawed, or exiled, or in any manner destroyed, nor passed upon, nor condemned, but by the lawfull Judgement of his Peers, or by the Law of the Land. And in the 28 year of King Edward the 3. it was enacted and declared by an Authority of Parliament, that no man of what State or condition soever, shall be put out of his Lands or Tenements, nor taken, nor imprisoned, nor disinherited, nor put to death, without being brought to answer by due process of Law. Nevertheless against the Tenor of the said Statutes, and other the good Laws and Statutes of your Realm to that end provided; divers of your Subjects have of late been imprisoned without any cause shewed: and when for their deliverance they were brought before your Justices, by your Majesties writs of Habeas Corpus, there to undergo and receive as the Court should order; and the Keepers commanded to certify the causes of their detainer; no cause was certified but that they were detained by your Majesties special command, signified by the Letters of your Privy Council: And yet were returned back to several Prisons without being charged with any thing, to which they might make answer according to Law.

And whereas of late great companies of Souldiers and Mariners have been dispersed into divers Counties of the Realm, and the Inhabitants against their Wills have been compelled to receive them into their Houses, and there to suffer them to sojourn, against the Laws and Customs of this Realm, to the great Grievance and Vexation of the people. And whereas also by authority of Parliament, in the 25 year of King Edward the third, it was declared and enacted: That no man should be forejudged of life or limbs against the form of the Great Charter: And by other the Laws and Statutes of this Realm, No man ought to be adjudged to death, but by the Laws established in this your Realm, either by the Customs of the same Realm, or by Act of Parlia-

ment. And whereas no Offender of what kind soever is exempted from the proceedings to to be used, and punishments to be inflicted by the Laws and Statutes of this your Realm. Nevertheless of late time, divers Commissions under your Majesties Great Seal have issued forth, by which certain Persons have been assigned and appointed Commissioners, *with Power and Authority to proceed within the Land, according to the custom of Martial Law*, against such Souldiers or Seamen, or other dissolute Persons, joining with them, as should commit any Murther, Robbery, Felony, Mutiny, or other Outrage or misdemeanour whatsoever; and by such Summary Course and Orders as is agreeable to Martial Law, and as is used in Armies in time of Wars, to proceed to the Trials and condemnation of such Offenders, and them to cause to be executed and put to death, according to the Law Martial. By pretext whereof, some of your Majesties Subjects have been by some of your Majesties Commissioners put to death, when and where, if by the Laws and Statutes of the Land, they had deserved death, by the same Laws and Statutes also they might, and by no other ought to be judged and executed. And also sundry grievous Offenders by colour thereof, *claiming an exemption*, have escaped the punishments due to them by the Laws and Statutes of this your Realm, by reason that divers of your Officers and Ministers of Justice have unjustly refused or forborn to proceed against such Offenders according to the same Laws and Statutes, upon pretence, *that the said Offenders were punishable only by Martial Law, and by Authority of such Commissions as aforesaid*. Which Commissions, and all other of like nature, extended to any except Souldiers, or Partners, or to be executed in time of Peace, or when or where, your Majesties Army is not on foot, are wholly and directly contrary to the said Laws and Statutes of this your Realm.

They do therefore humbly pray your most excellent Majesty, that none hereafter be compelled to make or yield any gift, Loan, Benevolence, Tax, or such like charge, without common consent by Act of Parliament: And that none be called to make answer, or take such Oath, or to give attendance, or be confined or otherwise molested or disquieted concerning the same, or for refusal thereof; And that no Freeman in any such manner as is before mentioned, be imprisoned or detained; And that your Majesty would be pleased to remove the said Soldiers, and Mariners, and that your People may not be so burthened in time to come; And that the aforesaid Commission for proceeding by Martial Law may be revoked, and annulled; And that hereafter no Commission of like nature may issue forth to any Person or Persons whatsoever, to be executed as aforesaid; lest by colour of them any of your Majesties Subjects be destroyed or put to death, contrary to the Laws and franchises of the Land.

All which, they humbly pray of your most excellent Majesty as their Rights of Liberties, according to the Laws and Statutes of this Realm; And that your Majesty would also vouchsafe to declare, that the awards, doings, and proceedings to the prejudice of your People in any of the premises, shall not be drawn hereafter in consequence, or example; And that your Majesty would also be graciously pleased for the further comfort, and safety of your People, to declare your Royal Will and pleasure, That in the things aforesaid, all your Officers and Ministers shall serve you, according to the Laws and Statutes of this Realm, as they tender the honor of your Majesty, and the Prosperitie of this Kingdom.

To which Petition King Charles at last gave this full and satisfactory Answer : Soit droit saie come il est desire par le Petition : that is, Let All Right be done as it is desired by the Petition. To the unspeakaable joy of this Parliament and all his Subjects. Adding withall thereunto: *I assure you my Maximis, That the Peoples Liberties strengthen the Kings Prerogative: and that the Kings Prerogative is to defend the Peoples Liberties.*

The benefit of which most excellent Law, Petition, and of all the precedent Parliamentary Votes, Lawes (with the present repealing, and vacating all Acts, Votes, Orders, Ordinances, Declarations, Resolutions, Judgements, Instruments repugnant thereunto, as *merely void in Law*, by the expresse Statutes of 25 E. 1. c. 2. 42 E. 3. c. 3. and the Petition of Right) we all now jointly and severally claim as our *undoubted Birth-rights*, and as the Price, Crown, Trophy, Guerdon of all our late Parliamentary Counsels, expended Treasures, Bloodsheds, Wars, Victories, over the real or pretended Enemies of these our just Liberties, Franchises, Rights, Laws, and Introducers of an Arbitrary, and Tyrannicall Government repugnant thereunto (wherein many thousands of the Nobility, Gentry and Commons of the realm of chiefest rank hazarded their estates, blood, lives in the field, as well as the Army-Officers, to preserve and enjoy the forementioned fundamental Laws, Liberties, Rights and Properties) which we hope no true-bred *English Freeman* or *Swordman* whatsoever can have the hearts or faces to deny unto us, against all their former Protestations, Remonstrances, Vows, Oaths, Covenants, Engagements, both to God and the *English Nation*, for fear of being made shorter by the head, as the most perfidious *Traytors*, or rolled into their graves in blood by the over-oppressed

enraged people, as the most insolent oppressing Tyrants, yea tumbled headlong into Hell flames for all eternity: Soul and Body, by God himself, as the most perjured execrable Hypocrites and Impostors that ever England bred.

Gal. 5: 1, 13, 14, 15. Stand fast therefore in the Liberty wherewith Christ hath made us free, and be not entangled again with the yoke of Bondage. For Brethren, ye have been called unto Liberty: only use not Liberty for an occasion to the flesh, but by love serve one another. For all the Law is fulfilled in one word, even this, Thou shalt love thy Neighbour as thy self. But if ye bite and devour one another, take heed that ye be not consumed one of another.

An

An Appendix to the Premises

Thath been the antient Plot, and long agitated design of Robert Parsons, and other Jesuites and their Instruments, under pretext of reforming the Common Laws and Statutes of England, to alter, subvert abolish the Great Charter, Common fundamental Laws of the Land, and principles of Government, whereon the Justice of the Kingdom, and Liberty and Property of the Subjects are established; as I have irrefragably proved at large, by Robert Parsons his *Memorial for Reformation of England*, written at Sevil in Spain, An. 1590. by William Watson (a seminary Priest) his *Quodlibets*, printed 1601. p. 92, 94, 95, 286, 330, 332. *A Dialogue between a secular Priest and a Lay-Gentleman*, printed at Rhemes 1601. p. 95. William Clark (a Roman Priest) his *Answer to the manifestation of Father Parsons*, p. 74, 75. Robert Parsons own manifestation of the folly, and bad spirit of certain in England, calling themselves Secular Priests, f. 55. to 63. Mr. Thomas Smith his Preface to Mr. John Daillae, his Apology for the Reformed Churches: Cambridge, 1653. p. 12, 13, &c. The Declaration of the whole House of Commons, 15. Decemb. 1641. Exact. Collection, p. 3, 4. Ludovicus Lucius, *Historia Iesuitica*, p. 318, 319, 535. and other Evidences in my Epistle to A seasonable, Legal, and Historical Vind-

Vindication of the good old fundamental Liberties, Rights, Laws of all English Freemen; and to A New Discovery of Free-State Tyranny, to which for Brevity I refer the Reader. That it hath been the *Soul-dier* and *Anabaptists* design, endeavour, to put this their *Iesuitical Plot* against our *Laws* in execution, under pretext of *reforming the corruptions in the Law, and Lawyers*, by the Tutorship of the disguised *Iesuites* (swarming amongst us, and having a *Consistory* and *Council* abroad; that Rules all the affairs of the things of England; as their own General, *O. Cromwell* himself avers in positive terms to all our three Nations, and the world, in his printed *Speech in the painted Chamber, September 4. 1654. p. 16, 17.*) I have there likewise demonstrated, and is so experimentally visible to all men by their frequent *Consultations, Committees, Treatises, Discourses, Votes, and Instruments* set on work, to regulate our *Laws*, that it needs do further proof.

The excellently connaturalness, conveniency of the *Laws of England* to *Englisemens tempers*, is so fully expressed, demonstrated by *Forseus*, in his Book *De laudibus Legum Angliae*, *Glanvill, Britton*, and others of antient, and by *Sir John Davies* in his *Epistle to his Irish Reports*, *Sir Edward Cook* in his *Epistles to his Reports, Institutes*, with others of later times: by the very *New Modellers* of our old hereditary Kingdom, into a puny *Free-State*, in their *Remonstrance of March 17. 1648.* and by *Mr. John Pym*, and *Mr. Oliver Saint-John*, in their late *Parliamentary Speeches*, printed by the *Commons House* special Orders; that I shall not spend waste-paper to commend them, being the most excellent *Laws* of all others in the world, as they all unanimously resolve. I shall only adde to their *Encomiums* of them: That the extraordinary care, diligence of our *Ancestors*, and all our *Parliamentary Councils* in former ages, to maintain,

preserve, defend and transmit to posterity those good old Laws we now do or should enjoy, with the last long Parliaments impeaching, beheading *Strafford* and *Canterbury* for Arch-traitors for endeavouring to subvert them with their innovations on the one side, and the late King and his Partisans on the other side, in above * 500 printed Declarations, Orders, Ordinances, Proclamations, Remonstrances; that the principal end of all their consultations, arms, wars, taxes, Impositions, expences of infinite Treasure and Blood, in all the unhappy contests against each other; was inviolably to defend, maintain our Laws and the Subjects Liberties, secured by them as their best Patrimony, Birthright, and Inheritance; the inserting thereof into all their Generals and Military Officers Commissions, and all Ordinances, to raise monies for the Armies pay; is an answerable evidence of their transcendent excellency, utility, preciousnesse, value, esteem, in the eyes of our Parliament and whole Nation: And a convincing Discovery of the Jesuitical Insatiation, folly, frenzy, treachery of those Swordmen and their Confederates, who now revile, traduce, and endeavour all they may, to reform, alter, subvert those very Laws, and Liberties which they were purposely commissioned, waged, engaged inviolably to defend, both by the Parliament, and People, and for which end they formerly professed, declared in many printed * Remonstrances of their own, they fought and hazarded their lives in the field; yet now would * conquer, and trample under feet, as if they had only fought against them and our hereditary Liberties confirmed by them.

* In the collections of Ordinances, printed by both Houses orders.

Printed
1647.

I must confess, there are some few Grievances, Abuses, not in the Theory, but Practice of our Laws (introduced by dishonest Attorneys and Solicitors for the most part) fit to be redressed by the Judges of the Law, (as some of them have been upon complaint)

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which

which I my self had many years since reformed (as I told Mr. *Shepherd* upon his fore-mentioned motion to me) had not those *Army-men* violently pulled me with other *Members out of the House*; and interrupted the settlement, peace, liberty, ease from taxes, excises, and good Government of the Kingdom, by a happy close with the late King, upon more safe and honourable terms of Freedom and happiness to the whole Nation and our Parliaments, than ever we can hope for from our New *Governours* or *Sword-men*; to usurp the Sovereign Power of King and Parliament into their own hands, and perpetuate our *Wars, Taxes, Excises, Armies, and Military Government* upon us, from generation to generation, as experience now manifests beyond contradiction, not for the peoples safety, ease, wealth, tranquillity, as they then pretended: which people though they then cried up, * voted for the only *Supreme Authority*; their free elections for the only Basis of all lawfull Magistracy, Power, in and over the Nation, and their safety as the *Supreme Law*; yet now they imperiously trample upon as their conquered slaves, and both by their publick speeches, actions, proclaim to all the world, *They now no more value them than they doe the very Acorns of the Swine, or dust of their feet*, no further than they are subservient to their own aspiring designs, and selfish ends.

* January
1648.

For those few remaining Abuses in our Laws execution yet unredressed by former Laws, as they no waies concern the *army, or army-Officers as Souldiers*, being out of their calling, Commission, and fit only for *Judges, or Parliaments* in their defaults, to redresse: So they concern not the generality of the People (many thousands of them having no sute at Law in all their lives, and the most of them very rarely) but for the most part only some Litigious, contentious persons, who out of their pride and animosity, occasion these abuses, and prolongations of sutes in Law, which they

and

and others complain against, and therefore are justly punished and rewarded by them; the expensiveness and tediousness of their Law suits, being the best means to correct, cure their contentious malicious spirits: other suits between peaceable persons being soon determined without any great expence, or length of time, if diligently prosecuted by honest Lawyers, Attorneys, and Solicitors.

But the Grievances these *Martial Reformers* of our *Laws* have introduced, under pretext of reforming some petty Abuses in the practice of the Law and Lawyers, are of a far more grievous, generall, and transcendent nature, subverting the very Fundamental Laws and Liberties of the whole Nation; and burthening them with two or three Millions of extraordinary Taxes, Expences every year, whereas all the abuses in the Law if rectified, amount not to above 5 or 6 thousand pounds a year at the most, and those voluntarily expended by litigious persons, not exacted from, or imposed upon any against their Wills, as Taxes, Excises, Imposts, Tunnage and Poundage now are by the Souldiers, without Act of Parliament against our Laws. Which if redressed by the *Swordmen* now, is not out of any affection towards, or design to ease the People, but out of spleen to the Profession and Professors of the Law, and to increase the Peoples monthly Taxes to the *Souldiers*, and maintenance of their new war, to tenfold the value every year at least, to what they now expend in Law-suits by reason of these abuses they would now redresse; which will be nothing so grievous, expensive to the People, as those alterations they intend to make in our Laws and legal conveyances, which will but multiply Sutes, and draw all mens estates into future sequestration in few years space.

There are four things specially provided for by our Fundamental Laws, and the original constitution of

our Government, which principally concern all the Freemen of *England* in General, above all things else.

1. The Privileges and Freedom of their Parliaments and their Members.

2. The safety and liberty of their Persons.

3. The propriety of their Estates.

4. The Free course of Common Law, Right, Justice.

All which our *Army Reformers* have lately violated in the highest degree, beyond the Presidents of the worst of former ages, against all Laws of God and the Land, their own Commissions, Trusts, Declarations, Protestations, Vowes, Leagues, Covenants, Engagements, without any colour of lawful Authority; to the whole Nations intollerable Grievance, Injury, Oppression, Impoverishing, enslaving, and yet would be reputed the only just, upright, faithful, righteous, conscientious Protectors, Reformers of our Laws, Grievances, government, and Gods most precious Saints; and all others meer Malignants or Disaffected persons to Liberty and Reformation, who oppose or dislike their proceedings, secluding them out of their New Parliaments as such, when elected most freely by the People.

1. For the Privileges, Freedom of Parliaments, and their Members, formerly held most sacred and inviolable, (c) They have in their own and the *Armies* name, impeached, imprisoned, suspended from sitting, many Members of both Houses; marched up professedly against them; contrary to their Trusts, Commands, and the expresse Statutes of 5 R. 2. c. 4. 5 H. 4. c. 6. 8 H. 6. c. 1. 4 H. 8. c. 8. forced them to retract their own Orders, Votes, Ordinances; ejected, imprison their own Members, and Vote what they prescribed them. Since which they imprisoned, close imprisoned my self, with sundry other Members, in remote Castles, sundry years, without any cause, hearing, or recompence

(c) See the Epistle and Appendix to my Speech in Parliament, and the History of Impendency.

pence for this transcendent injustice ; And not content herewith, they contrary to both Houses Votes seised, impeached, abused, condemned, beheaded the late King, (d) *The head of the Parliament* ; suppressed, abolished the whole House of Lords, the antientest, chiefest Members of it; secured, secluded the greatest part of the Commons House ; and forcibly dissolved the Parliament it self by the Sword, without any writ, contrary to an expresse act of Parliament. And how they have disturbed, secluded, abused, dissipated, dishoused their own mock-Parliament, and their Members even in the like manner; How they and their new Instruments have New-modelled that they now call our Parliaments ; how they have deprived many antient *Burroughs, Cities*, of their right of electing Burgeses, or of so many Burgeses as they ought, contrary to their Charters, and the expresse Statutes of 5 R. 2. c. 4. 1 H. 5. c. 1. 32 H. 6. c. 15. 9 H. 8. c. 18; disabled many thousands of their Votes in Elections, who have Voices, and enabled others to be Electors who have no Votes by our Laws; incorporated *Scottish*, and *Irish* Knights, Burgeses as Members into their late Parliaments, and interrupted the Freedom of Elections, by Letters, Menaces, armed Troops, Soldiers, and other indirect means, against the Statute of 3 E. 1. c. 5. the great Charter, and Constitutions, Laws, Rights, Privileges of our Parliaments; (to make what Persons and Number of their own creatures they please, a pretended Parliament, to bind our three Nations (by colour of a void, illegal Instrument, made soderly by a few Privadoes of their own in a corner; having no more legal force to bind our three Nations or Parliaments, than a Fiddle-string, or the new Cords wherewith the uncircumcised Philistines by their treacherous Dalilah bound Sampson of old; which he brake from off his arms like a shreed, Judg. 16. 12.) All which is so well known to themselves, and others, that I shall not insist any further

(d) Cook's In-
stit. c. 1. & mo-
dus 7. readi
Parliam.

* See the Epistle to my Speech in Parliament, p. 15, 16.

(e) Their Remonstrance and Representation, Aug. 2. & 18. 1 & 7 Decem. 1647. Their Charge, June 14. 1647.

* Their Instrument of Government, art. 14. 16.

(f) Article 14. 16.

ther thereon. And are not all and every of these far greater abuses, & of more general important concernment to the whole Nation, than any they would now reform, or declaim against in our Laws, or Lawyers? fit now to be redressed? being adjudged no lesse than High Treason in others; not only by the * *Parliaments* of 4 E. 3. n. 1. 21 R. 2. cap. 12. 1 H. 4. rot. Parl. n. 21, 22. 31 H. 6. c. 1. 3 Jac. c. 7, 2. and in *Chalonniers* and *Tomkins* case June 14. 1647. in the last Parliament of King *Charles*, A *Collection of Ordinances*, p. 200. to 206. but likewise by the *Army Officers* (e) *themselves*; yea the very ground-work of all the *uncapabilities, penalties, sequestrations, decimations, forfeitures*, they have imposed on others for levying warre, and adhering unto the late King against the *Parliament*; which they but mediately and indirectly opposed and warred against, but themselves immediately, actually directly warred upon, seized, secured, dissolved, destroyed, against their *Trusts, Commissions* to defend both the *Parliament* and the *Members* of it from force and violence: and therefore are the * *far greater Delinquents*, and *unable* to give any voice to elect any *Members*, or to be elected or sit in the three next *Parliaments*, by their own self-condemning *Censures, Declarations*, (f) *New instruments*, and *Verdicts* passed against others; and by *St Pauls* own *Verdict*, *Rom. 2. 1, 2, 3.* are *inexcusable*, and shall not escape the judgement of God: though they escape the sentence of all humane *Tribunals*, for their offences of this nature.

2. For the safety and liberty of their Persons, these *Army-Reformers* have contrary to the *Great Charter*, all other *Fundamental Laws*, *Statutes*, the *Petition of Right* itself, and premised *Votes* in the *Parliament* of 3 *Carols*, in *New-created Military Courts of Justice*, impeached, condemned, executed not only the late *King* and sundry *Nobles*, but likewise *Knights*,

Knights, Gentlemen, and other Freemen of all ranks, callings, without any lawfull Inditement or Tryal by their Peers, for offences not capital by our known Laws; Forcibly apprehended by armed Troopers, the Persons of Parliament-men, Noblemen, and others of all sorts; imprisoned, close-imprisoned them in remote Castles, under armed Guards, and translated them from one Castle to another, and my self amongst others, without any legall examination, accusation, hearing, or cause exprest; banished some, and imprisoned others, (yea some of their own Military-Officers, and greatest Friends) in those forein Isles, Castles, (whither the Prelates and Old Council-Table Lords, banished me and my fellow-brethren heretofore) without any legal Sentence; imprisoned, close imprisoned thousands at a time upon sudden carnal fears and jealousies (unbecoming Saints, Christians, or men professing so much faith, confidence in God, and such signal ownings both of their Persons and present Powers by God himself, as they have done in publick or private from time to time, and having an whole Army to guard them) and dragging them out of their Houses, beds, in the night by Souldiers, and shutting them up in inconvenient places; banished multitudes from time to time, from London and other parts, for sundry months together; confined others to certain places; impressed thousands for Land and Sea-services, and forein employment (as well Apprentices as others) against their wills, and carried them away perforce to, and others from forein Plantations, to the Indies, where they have lost their limbs, lives, to the ruine of their families and Masters. Degraded all our Nobles without any lawfull cause or hearing, of all their personal, hereditary Powers, Trusts, Commands: Disfranchised, dis-officed Judges, Justices, Recorders, Maiors, Aldermen, Common-council-men, Freemen, Servants, and many such very lately even by Major Generals, and their Deputies

puties at their pleasures, taking far more Authority up-
 on them now in all places in this and other kinds, than
 ever any Kings of England did, in late or former ages.
 And that which transcends all Presidents, imprisoning
 Lawyers themselves, as *grand Traytors*, and *Delinquents*
 in the Tower of London, only for arguing their *Clients*
Cases, according to their *Oaths*, *Duties*, in defence of
 their *Common Fundamental personal Liberty* and *prop-erty*,
 when illegally committed for refusing to pay *unjust*
Excises and Imposts, without *Act of Parliament*, in the
 late case of Mr. *Cony*, and threatening to imprison others
 for prosecuting lawfull *sutes*: when as the late King
 they beheaded for a *Tyrant*, freely permitted my self,
 and other Lawyers, to argue the cases of *Knight-hood*,
Loans, *Shipmony*, *Imposts*, *Tonnage* and *Poundage*, which
 so much concerned him, without imprisonment or re-
 straint. And are not these, with the denying *Habeas*
Corporas to some, stopping the returning, or benefit
 of them when returned, to others, far greater Grievances,
Abuses (which concern every Subject alike,
 and strike at the Foundation of all our Liberties) than
 any these *Sword-men* dislike or declame against in our
 Laws or Lawyers? fit now to be redressed. If any
 private person injure any Freeman in any of these kinds
 forementioned, he may be remedied and recover dam-
 mages by an *Action of the Case*, *Trespass*, or *false Im-*
prisonment; but being thus injured by our New *White-*
hall Grandees, *Swordmen*, *Souldiers*, *Committees*, *Excise-*
men, *Major-Generals*, their *Deputies*, or *Deputy Depu-*
ties, who all imprison, disfranchise, oppress men at their
 pleasures, (which [f] none of our Kings could do) he is
 now left destitute of all relief or recompence by Law,
 or ordinary courie of Justice, and imprisoned by *Com-*
mittees of Indemnity, if he sue, and forced to desist, or re-
 lease his action, having no Lawyer who durst to plead
 his cause, for fear of imprisonment, nor Judge to re-
 lease him, for fear of displacing; such is our present,
 worse

[f] *Forrescue*
c. 8. 1 H. 7. 46.
16 H. 6. Fitz.
Monstran. d'
Faits 182.

worse than *Turkish* Thraldom, under these *Grand Reformers* of our Laws, and *New-found Guardians* of our Liberties, crying out aloud to Heaven and Earth for present redresse.

3. For the Propriety of their Estates; so fenced, vindicated, secured by the forecited Parliamentary Votes, Acts, and Petition of Right, alas! what is become of it? Have not these Sword-Reformers forcibly disseised, dis-inherited not only our Kings, Nobles, and other Officers of their Hereditary Honors, Dignities, Offices, Franchises, but likewise them, and thousands more, their Heirs, Successors, Wives, Children, Kinred, of their Palaces, Mannors, Houses, Lands, Possessions, Rents, Revenues, real and personal Estates, without any other Law or Title but (that of Thieves and Pirates, *Turks* and * *Mamaluks*) *the longest Sword*? Against not only all Laws of the Land, but the very eighth and tenth Moral Commandments of God himself, now practically quite expunged out of their Decalogue? And do not all else hold their Lands and Estates as Tenants at will, to these supream new Land-Lords, who upon any *New coined Delinquency*, or pretended ploss, really sequester, or confiscate them at their pleasures by the self-same Law and Title? Yea where as all our Kings in former ages took *Aids and Subsidies* from our Ancestors only as (1) *as their free Gifts and Grants in Parliament*, and that in moderate proportions, to wit, *one Fifteenth, Tenth or Subsidy*, and no more in antient times, and but *two or three Subsidies* and *Fifteens* of later daies, payable at sundry times, in divers years, for which our Kings returned them hearty thanks in their Answers to those Grants, and granted them New (2) *Confirmations of their Laws, Liberties and the Great Charter*, when violated, together with beneficial General Pardons in recompence of these *their Aids and Subsidies* (though for publick uses and defence) which they never claimed nor imposed in the Clergy or Laity, but by their several free Grants

* See Purches Pilgrimage Bo. 6. c. 6. & Heylyn Microcosm.

(1) See Balfas Cinths and taxes and all the Acts for Subsidies, Tunage and Poundage.

(2) Magna Charta c. 37 & 52 H. 3. c. 5. 25 E. 3. c. 12. c. 28 H. 8. c. 1. Mat. Paris Hist. Angliap. 111. 355. 367. 421. 576. 624. 688. 838. 833. 338. 940. 941. 960.

(3) 4 Inſi-
ances c. 1. p. 10
25 10 35.

in full and free Parliaments, and Convocations of the Clergy, (as all our Parliament Rolls, our imprinted Acts, Histories, and (3) Sir Edward Cook at large inform us) Do not these our New Military Reforming Sovereigns (as if they were more than Kings) without any free gift, grant, or Act of Parliament in a full and free Parliamentary Assembly, by their own New usurped Power, (without any thanks at all to the People, or confirmation of their violated Laws, Liberties, Privileges, or general Pardons) against all former Acts, and Parliamentary Votes, impose both on the Clergy and Laity, against their Wills, (beyond all Presidents of former ages) what excessive heavy monthly Taxes, Excises, imposts, tunnage, poundage, and other payments they please upon the whole Nation, without intermission (which their new-moulded Parliaments themselves must, nor alter nor controul by the 27, 28, 29 Articles of their Instrument) and levy them by armed Souldiers, Violence, imprisonments, quartering, and other great penalties, fines inflicted on the Refusers of them, and dispose of them at their pleasures when levied, without giving any account thereof to the Nation? yea force them to pay their contributions some months before they grow due; when no Landlord can receive his Rents, nor Creditor his debts to pay these Taxes, till at, or after the time they become due? And all to enslave, impoverish the Nation, to carry on new Wars, without consent of Parliament, and gain new Conquests abroad, while in the mean time our Merchants are robbed, undone, our trading decayed by these taxes, wars, and for want of well-guarding the Seas at home. And not content with these ordinary Monthly contributions, excises, imposts, have not these Reformers, without any legal Trial, hearing, conviction of New Delinquency [g] oft endeavoured to take away all Ministers Tithes, though due unto them *jure divino*, as well as by the Laws of the Land) exacted the Tithes of all formerly sequestered persons, their heirs and widows

(g) See my
Gospel plea for
the Ministers of
the Gospel.

estates, improv'd according to the best improv'd value, by a late Decimation, (for which there is no divine nor human Law or Right) notwithstanding all former compositions, Pardons under Seal, Articles of War, their own Act of Oblivion, their late instrument of Government, and oath for its observance; besides all our ancient Laws, exempting them therefrom, yea notwithstanding this sacred Canon *Ezech. 18. 20. The Son shall not bear the iniquity of the Father*; with this Maxim in our Law, *Transgressio personalis moritur cum persona*; when as yet many Sons, yea some Infants are merely decimated for their Fathers, and Wives Jointures, Dowers charged for their Husbands delinquencies; Nay which is yet more barbarous, illegal, hundreds of Orthodox, able, godly, learned, Protestant Ministers of our Church, without any hearing or crime at all, for their former expiated pardoned mistake, in being addicted to the late Kings party, are not only turned out of all their livings, lectures, fellowships, schools at once; but likewise prohibited to preach, teach School, in publick or private, or to be entertained as Chaplains in private Houses, to support themselves, wives, children; or to administer the Sacrament, or marry any, under pain of imprisonment, banishment: And may not all our other Protestant Orthodox Ministers, School-Masters, Scholars be thus smitten down, and suppressed at once, by the like club-law and justice, of which this President is a very sad presage? Moreover do not these Reformers seize mens Houses, Arms, Swords, fouling, birding pieces, (yea the very Armoreds, Chandlers, Arms and Ammunition, though their stock, wares, trade, livelihood) at their pleasures, upon every pretended plot, fear, jealousy? Yea do not Souldierts, Excise-men and their agents break open, search, ransack mens Houses, Studies, Trunks, Chests, both by day and night, and take away their Goods, Chattels, yea their Writings, Records, Papers, (as they (b) did mine,) at their pleasures, against all Law, and many late Parliament

(b) See my New Discovery of Free-States Tyranny.

(i) Adjudged
illegal 1 E. 3.
c. 15. and 1 E.
3. vol. 2, 3 4.

Votes, Nay have not they forced thousands of all sorts to enter into great penal Bonds of late, with sureties, both for themselves and all their Servants, containing strange, unheard-of (i) illegall Conditions, and forced them to pay, some 10*l*. others 5*l*. others 2*l*. 6*d*. for every Bond, (an unparalleled oppression) though many of them not worth so much, under pain of Imprisonment, sequestration, and banishment in case of refusal: to omit all other extorted fees by Marshals, Lieutenants, Officers of the Tower, and others, from Prisoners; by Souldiers for levying pretended arrears of Taxes, and of Excise-men, and their Instruments? And are not these more grievous abuses, fit to be redressed, than any corruptions, excesses, fees in Lawyers, or our Laws? No private Person or Lawyers can take one farthing from another against his will, nor do the least prejudice to his real or personal estate against Law, but he may have present remedy for it. But these New Reformers, by Excises, Imposts, Contributions, Decimations, Sequestrations, and new-invented forfeitures, can forcibly extort, and levy some Millions of pounds from the whole Nation, every year, against their wills, all our Laws, yea strip whole families of their Inheritances, without any remedy by Law or otherwise: yet this must be no grievance or injustice at all in them, though the *Highest Treason*, and unpardonable crying offences, in *Strafford*, *Canterbury*, the old *Council-Table*, and beheaded *King*; but a most righteous proceeding, necessary to be still pursued if not now established by a New Law, inabling them still to tax and poll us at their pleasures, without any future Parliaments, or redresse.

4. For the free course of the Common Law, Right, and Justice, according to *Magna Charta*, c. 29. We will deny, nor deferre to no man Justice or Right. It was never so much obstructed in any age by any persons, as by these new Reformadoes of our Laws. Witness their unparalleled late *Whitehall Ordinances*, touching their illegall Excises: which not only indemp-

nise all Excisemen, and their Assistants against all Actions to be brought against them, or other molestations by all parties grieved; but expressly requiring, injoyning all Courts of Justice of this Commonwealth, and all Judges and Justices of the same, Sheriffs, Counsellors, Attornies, Solicitors, and all other persons to conform themselves accordingly, Without any opposition or dispute whatsoever; So that now no Court of Justice, or Judge must or can right; nor any Lawyer, Attorney, Solicitor, or other person, plead, argue or prosecute any sute at Law against any illegal Excise, Tax or Imposition, though never so unjust and oppressive; nor against any Levie of them, or imprisonment of refusers of them, under pain of being dis-Judged, (like Thorp, Nudigate, and Rolls of late) or being committed to the Tower, as Mr. Maynard, Twisden, and Wadham Windham were, for arguing Conis case against these Whitehall Ordinances. A Slavery worse than that of the [] English Jews of old; To omit all former enforcements of well-affected plundered persons and others, to release their Actions, Judgements, Executions against Cavaliers, Soldiers, and others, and to pay them damages, and costs of sute besides, to their undoings, by their Councils of War, and Committees of Indemnity, of which there are hundreds of sad Presidents; I shall only touch their new Major Generals, Captains, Lieutenants, and others late Abuses of this kind, in sending for Lawyers, Attornies, Solicitors, Parties, by Soldiers and other Messengers, and forcing them by menaces, terror, and threatned imprisonments to release their Actions, Judgements, Executions, and to referre all sutes depending in Courts of Equity or Justice, to their own hearing and determination. Their examining, controlling, reversing Orders, Judgements, Decrees, made not only by Judges, Justices, and others, in Courts of Law and Equity, but even by Committees of Parliament, and the Commons House it self: their sending for some persons in Custody who refused to attend them, upon references, and others sundry miles, and making them dance

(h) 4 Decemb.
 & 17 March,
 1653. May 4.
 1654. &c.

(i) See my second Demurrer to the Jews Remitter into England.

attendance on them from day to day upon bare Petitions and false suggestions of clamorous persons, after several Judgements, Decrees in Courts of Justice, Equity, Parliaments, and former references by the late King, seconded with many years quiet enjoyment, for lands recovered against them, to their intollerable expence and vexation. A preparative to ingrosse all Law and Justice for the future into their own hands alone, and suppress all Courts of Justice, Judges, as dull and uselesse tools, as some of late have stiled them. And are not these far heavier, sadder Grievances, abuses worthy redresse, than any these Reformers complain of in our Laws or Lawyers?

If our Sword-men imagin, their Victorious Successes will still bear them out in all these their illegal extravagances, against all Laws, Tribunals both of God and Men; let them remember, that *Cyrus King of Persia, after his victorious conquests of Astyages, Cræsus, all Asia, and the East, with a great part of Scythia, and 30 years reign, with continual and admirable Successes; was at last (after a great victory over the Scythians) suddenly surprised and slain by Thomyris Queen of Scythia, and his whole old victorious Army of two hundred thousand Persians put every man to the sword, not one of them escaping to bring back tidings of this their admirable universal overthrow and slaughter. After which his head was cut off by the Queens command, and thrown into a Vessel filled with mans blood, with this exprobration of his cruelty, Satia te sanguine quem sisti, cujusque insatiabilis temper fuisti. That *Pompey the Great, that glorious and famous Roman, after his Conquests of, and 3. publike Triumphs (decreed him by the Roman Senate) over Europe, Asia and Africa, (the whole known World in that age) which he had subdued, was yet at last conquered by Julius Caesar his Corrivall, and forced to fly into Egypt; there taken and beheaded by a slave, and his carcass left unburied on the sands, as a prey to the birds and beasts; so that he who formerly wanted earth for him to conquer, now wanted earth to bury

* Trogus Pompeius, & Justin. Hist. l. 1. Hero dotus, l. 1. 2. Diodorus Siculus, lib 2.

* Paterculus Hist. l. 2. & 3. Plutarch, in his Life.

bury him; such was the vicissitude of his fortune (as Paternulus observes:) And not long after this Great Conquerour * Caesar, was suddenly stabbed to death in the Senate House by his own Friends in whom he most * Suetonius, confided, for his ambitious Tyrannical usurpations over Ptolemy, Ptolemy, Eutropius, Grimmer, and others in his Life. the Senate and people; Enough to make all other usurping oppressing Swordsmen tremble (not half so great Conquerors as either of these three) notwithstanding all their former successes; which should rather humble and make them more just, righteous towards the people, for whose *Laws and Liberties* they pretended they only fought against arbitrary Tyranny, Impositions and Rapine, than more arbitrary, insolent, exorbitant, oppressive than those they fought against, and suppressed; and that upon the consideration of 2 Chron. cap. 10. 2 Kings 14. 8. to 15. Mich. 2. 1, 2, 3, 4, 5, 7, 8, 9, 10. Jerem. 34. 8. to 22. and Rom. 11. 17. to 23. which I desire them seriously to peruse and meditate upon at their leisures.

To these forenamed 4. Generals, I might add their New Voluminous *Whitehall folio Edicts, Ordinances*, repealing, altering our former *Laws and Statutes* in many particulars, imposing new Taxes, payments, forfeitures, imprisonments, fines, penalties on the people, and such as shall infringe them; Their converting all *Prizes* taken by their Men of War, to private Uses, and their publike Treasury, without repairing or satisfying our Merchants Losses by Pyracies and Wars in the first place, by whose Customs and for whose Safety they are principally maintained, and whose damages should be therefore in justice, conscience, first repaired; Major Generals and their Deputies suppressing of Innes, Taverns, Alehouses (like absolute Justices) without any legal Authority, and then setting them up again soon after, through the mediation of Friends or money: Their riding in circuit with those who are their Judges to overawe and controll them; their open abetting and countenancing of causes; their great destruction of the timber of the Nation, against sundry

Statutes, their building of new stately Houses, Gardens, &c. upon the peoples and the publick stock; the sharing of the publick Lands and Revenues of the kingdom amongst themselves, which should defray publick expences, now fit to be reformed, as in former ages; Their making *Sectaries* and illiterate *Sword-men*, and other persons of mean quality, who understand neither Law nor Justice, their *Justices of Peace*, and *Committee men* in sundry places, against former *Statutes*: Their imposing, administering Oaths to men without any Legal *Commission* or Law (as every *Sword-man* now presumes) a *Præsumptio* and grand Offence in former ages: With sundry more generals, which I pretermitt, the particulars whereof would amount to many *Baronian Tomes*, if at large recorded, being worthy the consideration of the approaching *Assembly*, if not of reformation. Which Assembly being purposely called, as these *Army Officers*, and *Major Generals* report, and some *Whitehall Letters* import, for the reformation of our Laws, and for the healing and closing up of the wounds, breaches of our distracted, discontented Nations; which my skill in *Chirurgery* and *Politicks*, and the method of all former Parliaments assures me can never perfectly be healed and closed up, without danger of relapse & breaking out again with greater pain, danger, violence, unless they be first searched, lanced, and laid open to the bottom, & then perfectly cleansed, and incarnated, without leaving any core or Corruption underneath. I have thereupon (to gratifie Mr. *Shepherds*, and discharge my bounden duty to my Profession and Country) thus briefly analyzed and laid them open to publick view, to the end they may (through Gods blessing) receive a speedy, sound and perfect, not superficial palliative Cure, without any other sinister design. Now the grand Physician both of Souls and States give so oft such a blessing and successe to these few leaves, that they may prove like the leaves of the tree of life, Rev. 22. 3. for the healing of the Nations; That God may not now say of England, as he did once of Israel, Jer. 30. 13, 14, 15. Thy bruise is incurable, and thy wound is grievous; There is none to plead thy cause that thou mayst be bound up; thou hast no healing medicines; All thy lovers have forgotten thee; they seek thee not; for I have wounded thee with the wound of an enemy, with the chastisement of a cruel one, for the multitude of thine iniquities, because thy sins are encreased.